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SPEECHES  
OF  
HON. MESSRS. BERNIER AND SCOTT  
ON THE  
MANITOBA AND N.-W. SCHOOL QUESTIONS

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OTTAWA, APRIL 3rd AND 4th, 1894

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# THE SENATE DEBATES

FOURTH SESSION—SEVENTH PARLIAMENT

SPEECH OF HON. T. A. BERNIER

ON THE

## Manitoba and North-west School Questions

OTTAWA, APRIL 3RD, 1894

Hon. Mr. BERNIER moved :

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all school ordinances, school regulations and amendments thereto, adopted by the Legislative Assembly, the Executive, and any Board or Council of Education, in reference to the establishment, maintenance and administration of Schools in the North-west Territories since 1885;

Also, for copies of all petitions, memorials and correspondence in reference thereto;

Also, for copies of all reports to the Governor General in Council, and all communications and representations to the authorities in the North-west Territories.

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all petitions, memorials and correspondence in reference to the appeal made in the name of the Roman Catholic minority of the province of Manitoba, in reference to the school laws of that province;

Also, copies of reports to and Orders in Council in reference to the same;

Also, copies of the case submitted to the Supreme Court of Canada, respecting aforesaid appeal, in-

cluding factums and all materials in connection therewith put before the Supreme Court, and of all judgments rendered and answers given by said court on or to the questions referred to them.

He said: In making the motion which is now before you, I do not intend to raise a complete and final debate on the questions dealt with in the papers, the production of which I seek for. Those questions are so momentous, the interest which the people take in them is so great, and our debates may have such an influence throughout the whole Dominion on the ultimate moulding of public opinion in connection with such questions, that we must approach them calmly and dispassionately and not urge any body to commit himself until we are in possession of all the papers, and until we are made aware of all the facts connected therewith in their most minute details. It is with this view, it is for the purpose of affording everybody an opportunity of getting a full knowledge of those facts and of the contentions of all parties concerned, that I am

moving for this address. Having so stated my intention, it might seem to many that I could here very properly cut short my remarks, and let my motion be carried without occupying any more of your time and kind attention.

I feel, however, as if my duty would be better fulfilled by taking this opportunity of prefacing, as it were, any further action I may have to take in these matters, with such considerations as may lead the public to a full understanding of our position, of the deep sense of duty and responsibility we are labouring under, of the true feelings we entertain, of our sincere desire for a peaceful, equitable and constitutional settlement of the questions which are now so deeply agitating the people of this Dominion, and also of all the alarms and suggestions which are creeping in our hearts with regard to the future welfare of the confederation. In the performance of this duty, I may exceed in my remarks the proper limits. But so long as I do not trespass too far on your indulgence, I hope to be allowed to go over even that wider range which would not otherwise be in order. I believe that it is most important that some misapprehensions be dispelled, and some historical facts recalled, and the protection of the minorities in confederation as a fundamental point of our constitution be insisted upon. It cannot be denied that these school questions have a disturbing effect upon the population of Canada. It would be unwise to close our eyes to the fact that from one end of the confederation to the other, there exists a feeling of anxiety which prompts all thinking men to look forward and see whether the storm will permit the ship to reach in safety the port pointed out to future generations by the patriotic and high minded statesmen known as the fathers of confederation.

There are 5,000,000 of people in Canada. Of that number, 2,000,000 are Catholics. It cannot be expected that such a large proportion of the nation shall remain silent and restful whilst, in some part of their own country, their rights and liberties as British subjects are intruded upon in violation of the true meaning and intent of the agreements entered into by all parties, by the local interested parties as well as by the Canadian and Imperial authorities.

The questions which are now before the public are of the same nature as those which brought about the state of affairs which pre-

vailed immediately previous to confederation. Such being the case, a query suggests itself to our mind: shall we, after 25 years of confederation, be obliged to confess that this regime, instead of realizing the great expectations that were entertained at the time of the union, has had no other effect than to bring us back, after a long circuit, to the starting point, to the same uncertain and gloomy issues? This aspect of affairs is worthy of being taken into serious consideration by those who were instrumental in the inauguration of our present constitution, by all true and well meaning lovers of their country.

Let us recall the period of our political history previous to the 1st of July, 1867. It is an easy task. The hon. gentlemen sitting in this House were all then sufficiently advanced in years to appreciate the difficulties of the time. The administration of affairs had become almost impossible in United Canada. Political strifes were so intense that no man, no party, could with any likelihood of success, undertake the honourable duty of carrying on the government of Her Majesty. From 1862 to 1864, no less than five different governments had been in power. The prosperity of our land was hampered; according to certain expressed opinions, the very existence of Canada as a British colony was endangered.

Men of all parties and of all shades of politics, said Sir John A. Macdonald, became alarmed at the aspect of affairs: \* \* \* unless some solution of the difficulty was arrived at, we would suffer under a succession of weak governments, weak in numerical support, weak in force, weak in power of doing good, \* \* \* leading statesmen on both sides seemed to have come to the common conclusion that some step must be taken to relieve the country from the dead lock and impending anarchy that hung over us."—Conf. Debates, page 26.

Sir Etienne Taché, who was then the premier of Canada, said also:

Legislation in Canada for the last two years had come almost to a standstill \* \* \* the country was bordering on civil strife \* \* \* in our present condition we could not continue to exist as a British colony \* \* \* he would also ask if it was not the duty of both sides to do all they could to prevent the unfortunate results which would have followed.—(Conf. Debates, page 6 and 9.)

Another great leader in the political arena of the old times also laid stress on the situation. Whilst expressing his satisfaction at the confederation scheme, he admitted the urgency of the measure for the sake of peace



and in view of the future stability of the country :

I cannot help feeling, said the Hon. Geo. Brown, that the struggle of half a lifetime for constitutional reform, the agitations in the country and the fierce contests in this chamber, *the strife and the discord* and the abuse of many years are all compensated by the great scheme of reform which is now in your hands. And again : I am further in favour of this scheme as a remedial measure, because it brings to an end *the doubt* that has so long hung over our position and gives a stability to our future."—(Conf. Debates, pages 84 and 96.)

Such was the condition of affairs when confederation was discussed and came into existence. And as I have already said, that condition of affairs had been brought about precisely by the same vital questions which are now confronting ourselves. And in order to find some lessons to guide ourselves in the present contest, it is interesting to know the course taken by our predecessors of nearly thirty years ago. There is something refreshing in the political events of that time. Irrespective of the intrinsic value of the scheme which has since been adopted and accepted as our constitution, irrespective of the different opinions that were expressed pro and con, then took place what will ever be considered as some of the most illustrious pages of our history. Men who up to that time had bitterly fought against each other, paused for a while before the abyss ; they realized the intensity of the crisis, they took advice from the situation and from their patriotism, they rose superior to their passions and above their political and personal feuds, they dropped their prejudices and burying the tomahawk and joining together to relieve the country from depression and from dissensions, they engaged in the noble work of sowing and fertilizing the seed of the national tree, the fruits of which were to be distributed amongst the members of the Canadian family, and whose branches were to give shade and shelter to every one in the land, irrespective of race or creed.

And that tree rooted in the valleys of the great lakes and of the St. Lawrence, was to be extended east, to the Atlantic Ocean, and west to the Pacific Ocean, covering also our immense prairies. That was the magnitude of the scheme. Even then it was contemplated to extend the prospective blessings of confederation to the North-west, and some of those blessings were expressly said to be the suppression of religi-

ous and race dissensions, the permanent settlement of all such difficulties in a broad, generous, national and lofty spirit. "We cannot stand still," said the Hon. George Brown, "we cannot go back to chronic sectional hostility and discord."—(Conf. Debates, p. 87).—And a few minutes before he had said :

The vast Indian territories \* \* \* will ere long, I trust, be opened up to civilization under the auspices of the British American Confederation ; \* \* \* our scheme is to establish a government that will endeavour to maintain liberty, justice and Christianity throughout the land.

"When?" interrupted Mr. Walbridge.

"Very soon," replied at once, Sir Geo. E. Cartier.—(Conf. Debates, p. 86).

Most assuredly, when the walls of the legislative buildings in Quebec were echoing these sentiments, when the people of Canada through their representatives, were settling their differences in that generous spirit, when they were devising the future of Canada and working for the near annexation of our territories, they could not have had the intention of fomenting in those distant and fertile plains, the discord which had brought Canada to such a gloomy condition that the leaders of the nation were concerned about the stability of British institutions on this soil. Yet, what do we see at present? The spirit of the legislation of the fathers of confederation is violated. After twenty-five years of peace, harmony and prosperity, men who do not know how to love their own country are raising discord, are turning men against men, classes against classes, race against race, creed against creed, exciting hatred against a large portion of the people of Canada whose rights and religious liberties I have here to affirm in this House in the most unequivocal terms. We are brought back, as I have already said, to the same condition that we were in previous to confederation, by the adoption of certain laws relating to education, which the author of those very laws has himself practically declared not more than three or four weeks ago in Winnipeg to be unjust to Catholics and even unconstitutional. Again, the prosperity of Canada and possibly British institutions will be brought to a deplorable state of instability.

The raising anew of those once settled questions is, to my mind, quite unaccountable. It appears the more so when we take into consideration the numerous promises

and pledges that were given at the time of confederation and on many occasions since.

Ontario and Quebec were the first provinces to enter into the path of reconciliation and of mutual regard; they were the first to pledge themselves to be tolerant to the minority.

I am exceedingly glad to be able to state here that Ontario, the great province of Ontario, has, up to the present time, faithfully kept its pledges; and let us hope that notwithstanding the recent agitation and clamours, whether they come from any individual or association, the province of Ontario will in the future as in the past, remain faithful to the compact entered into in 1867. It would be to its everlasting honour to pursue such a policy.

Quebec also has kept its pledges, and in its case there have been some peculiar circumstances worthy of remembrance. When the resolutions in respect to confederation were discussed at Quebec, the minority of that province expressed a fear that they were not sufficiently protected, especially in educational matters, against the possible encroachments of the majority. They asked for some changes. Their request was acceded to, and the changes asked for were to be embodied in a law. Parliament, however, was prorogued sooner than it had been expected and the bill could not be passed, and again the minority gave expression to their fears. At a subsequent session an attempt was made to pass the bill but unsuccessfully. Then it appears the minority became alarmed, and so jealous were they of what they considered to be their rights, so anxious were they to get protection for the same that they would have refused to enter into confederation had not Sir George Etienne Cartier solved the difficulty. He pledged himself to the minority that as soon as the confederation would be formed, when Quebec would have a parliament of its own, one of its first acts would be to put upon its statute-book the law that they were obliged to drop on that day.

The Protestant minority accepted these promises, feeling confident that such a solemn promise would be observed, and the pledge was effectually redeemed. The Legislature of Quebec passed the law promised by its chieftain for the protection of the minority. Although there was no written law binding them, the people of Quebec did not try to evade their responsibility, they did not take

the matter before the courts, they acted honourably and in good faith; they redeemed the pledges given on their behalf.

I will ask you, hon. gentlemen, and ask the country to compare the noble conduct of that Catholic province with the conduct of some politicians of our own days.

Let us come now to my own province and to the North-west Territories. To the Catholic minority there, solemn pledges were also given. In the first place, we have the right to rely on the general promises of protection contained in the federal constitution as explained during the debates on the resolutions placed before the Parliament of old Canada in 1865. Then fears were entertained and vigorously expressed by the opponents of the measure as to the condition in which the minorities might afterwards find themselves. But it was repeatedly said that all through confederation, and for all time to come, the minorities would receive protection and be accorded the free and full enjoyment of their language, and especially of their religious institutions and liberties. Why! Confederation was conceived and passed and adopted expressly with that view! In support of this proposition, I am able to quote the words of an hon. member of the old Legislative Council, the Honourable Mr. Christie. He said:

We had reached a condition almost bordering on anarchy \* \* \*. It is a cheering fact that in the midst of this state of things we have found men patriotic enough to merge former differences and unite together for the purpose of framing a constitution which will secure exemption from the evils under which we have laboured.—(Conf. Debates, p. 212.)

The sentiments expressed in these words by the hon. gentleman were the sentiments of the whole country.

But I have just said that protection to the minority had been promised, and this I must prove. Here again I am in a position to quote the language of some of the then members of the Executive Council, who went so far as to emphatically declare that in case of injustice the federal authorities would interfere.

Here are the words of Sir Etienne Taché then the Premier of Canada. In the quotation I am about to make, the hon. gentleman is speaking with regard to the Protestant minority, but it is obvious that these words are applicable to the Catholic minority as well:

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If the lower branch, of the legislature, said Sir E. Taché, were insensate enough and wicked enough to commit some flagrant act of injustice (I desire to remark here that Sir E. Taché does not limit his declaration to acts within the constitution, he speaks of any act of injustice) If the lower branch of the legislature were insensate enough and wicked enough to commit some flagrant act of injustice against the English Protestant portion of the community, they would be checked by the general government. But the hon. gentleman argues that that would raise an issue between the local and the general governments. We must not, however, forget that the general government is composed of representatives from all portions of the country—that they would not be likely to commit an unjust act—and that if they did so, they would be met by such a storm of opposition as would sweep them out of their places in a very short time. (Conf. Deb., pp. 236-7.)

On the other side of the House, Sir A. A. Dorion, the leader of the Liberal party in Lower Canada, spoke in the same strain :

I think it but just that the Protestant minority should be protected in its rights in every thing that was dear to it as a distinct nationality, and should not lie at the discretion of the majority in this respect. —(Conf. Debates, p. 250.)

Sir Narcisse Belleau also said in answer to an objection, and in speaking of the minorities :

Their religion is guaranteed by treaties : they will be protected by the vigilance of the Federal Government, which will never permit the minority of one portion of the confederation to be oppressed by the majority. —(Conf. Debates, p. 184.)

A few moments before, the same gentleman had said :

Even granting that the Protestants were wronged by the Local Legislature of Lower Canada, could they not avail themselves of the protection of the Federal Legislature? And would not the Federal Government exercise strict surveillance over the action of the Local Legislatures in these matters? Why should it be sought to give existence to imaginary fears? —(Conf. Debates, p. 183.)

No clearer words could disclose the true spirit of our constitution, and I quite understand that the solicitor general of the time, the Honourable, now Sir Hector Langevin, could say :

The basis of action adopted by the delegates in preparing the resolutions was to do justice to all—justice to all races, to all religions, to all nationalities, and to all interests. —(Conf. Debates, p. 368.)

As I have already said, these utterances were to apply to all parts of confederation, as it might ultimately be composed.

"I say," declared the leader of the government then, "I say without hesitation, that what will be done for one portion of the country will also be done for the other portions—*justice égale distributive*." —(Conf. Debates, p. 344.)

I hope I have succeeded in completely demonstrating the proposition which I have enumerated, namely : that in the course of the debates on the confederation measure, definite pledges were given for the protection of the minorities, and that those pledges are applicable to the whole North-west, inclusive of Manitoba.

But more distinct and special promises have been made. These promises came from different authorities, and first of all, from the Imperial authorities.

In a despatch from Lord Granville to Sir John Young, the Governor General of Canada, we note these words :

That the old inhabitants of the country will be treated with such forethought and consideration as may preserve them from the dangers of the approaching change.

The change took place, but, as you are aware, amidst many unfortunate circumstances. Thus it came that the Governor General had to issue a royal proclamation, in which these words are to be found :

By Her Majesty's authority I do therefore assure you that on the union with Canada, all your civil and religious rights and privileges will be respected, your property assured to you, and that your country will be governed as in the past under British laws, and in the spirit of British justice.

This proclamation applied to Manitoba and the North-west as a whole. Because, then the distinction between Manitoba and the North-west did not exist. Both formed only one immense territory, the annexation of which was referred to in that proclamation. This view is confirmed by the following words which I read in a letter of February 16, 1870, from Sir John Young to His Grace the Archbishop of St. Boniface :

The Imperial Government, as I informed you, is earnest in the desire to see the *North-west territory* united to the Dominion on equitable conditions.

And what were these equitable conditions? The same letter gives us the meaning of those expressions :

The Imperial Government has no intention of acting otherwise than in perfect good faith towards the inhabitants of the North-west. The people may rely that respect and attention will be extended to the different religious persuasions ; that title to every description of property will be carefully guarded, and that all the franchises which have subsisted, or which the people may prove themselves qualified to exercise, shall be continued and liberally conferred.

After the transfer of our vast plains had been made to Canada, after the province of



Manitoba had been formed, then came the laws of this province of Manitoba. The first enactment of the legislature was to legislate according to the above promises. Our rights and privileges were recognized. And in coupling this immediate legislation with the seventh clause of the Bill of Rights providing for an equitable division of the money in matters of education between Protestants and Catholics, we have the best and the surest construction of the Manitoba Act. It was a practical interpretation given, whilst everything was fresh in the minds of all, and when no dissenting voice could have been heard. And this practical interpretation has stood for twenty years.

That was the first pledge given by the province. It was not the only one, though. I wish here to make known to this honourable house, a page of history full of interest. The legislature of Manitoba gave to us another pledge under circumstances very similar to those under which Sir Geo. Cartier gave his pledge to the Protestants of Quebec—with this objectionable difference, however, that it was afterwards disregarded.

During the administration of Mr. Mackenzie, the Local Government of Manitoba came to Ottawa for better financial terms. Mr. Mackenzie was not willing to help the province at the time except on condition that the province would abolish its Legislative Council, then a part of the legislative machinery. Our Manitoba pilgrims went back to Winnipeg, and made the proposition to their colleagues. The Legislative Council could not be abolished without the co-operation, and, in fact, the consent of the Catholic representatives of the province, who felt at once that it was for them a most serious action to take. The Legislative Council was considered as their safeguard against any future aggression upon their rights and privileges. An appeal was made to their intelligence and patriotism. And at last, for the sake of the provincial interest at large, they did consent and by their action assured the improvement of the financial condition of the province. As soon as the vote had been registered, a most interesting parliamentary scene took place. The generosity of our representatives on this occasion, the public spirit exhibited by them, and their expressed confidence in the loyalty of their English and Protestant countrymen had made a deep impression on the minds of their fellow-representatives, and one of these immediately arose,

and amidst the enthusiasm of the moment, and on behalf of the English and Protestant population, on behalf of the province, he eulogized the Catholic and French population, and pledged his people and the province that the rights and privileges of the Catholics would never be interfered with, and for doing so he was cheerfully applauded by the whole House. That man was Mr. Luxton, who is still living, and was then a prominent member of the legislature. He at least, I must say, used his best efforts to have this pledge faithfully kept, and I am happy to send to him from my seat in Parliament the expression of the gratitude of the people whose rights he has so vigorously defended. But I am sorry to say that, unlike the province of Quebec under similar circumstances, our province of Manitoba, as a whole, has failed to honour itself as did the old province on the banks of the St. Lawrence, and since 1890 we have been deprived, by the will of the legislature, notwithstanding that solemn pledge, of our most cherished rights and privileges, our schools and the official use of our language.

I have seen it stated in the public print that delegates of the North-west are here for better terms. If that is so, there is, in the action of Mr. Mackenzie, in connection with the Manitoba Legislative Council, a hint for us all. Conditions might also be imposed upon the North-west delegates before their request be granted. Everybody may understand what, in my humble opinion, these conditions should be.

I now come to another pledge given in a most remarkable way, and under most interesting circumstances. But here I beg leave to read from a speech made a year ago, in the Manitoba Legislature, by a prominent member of the Liberal party in our province, —Mr. Fisher—who was at the time, when the pledge was given, the president of the Liberal Provincial Association in Manitoba:

I now desire to speak of a delicate matter, which may be somewhat distasteful to some who hear me, but I am bound to tell the truth, even if it may offend some. I make the grave charge that this school legislation was put upon the Statute-book of this province in defiance of the most solemn pledges of the Liberal party. In January of 1888, an event occurred which brought the Liberals into power in this province. My hon. friends had for years been engaged in an effort to defeat the Norquay Government in which I helped them all in my power.\*\*\* The crisis came when the St. Francois-Xavier election took place at the time I have mentioned. Dr. Harrison was at that time premier

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of the province, and he chose as his provincial secretary Mr. Joseph Burke, who though he bears an Irish name, is really a French Canadian. He was living among his own people in the district of St. François-Xavier, and had been elected a member of this House in 1886 by acclamation. On accepting office he went back for re-election. It was proposed that we should oppose him, though for myself I thought it was useless. Mr. F. H. Francis, an English speaking Presbyterian was asked to take the field against Mr. Burke in this French constituency. He could not possibly be elected unless he got a large proportion of the votes of the French population. Without this, I say his election was an absolute impossibility. Now I state, on information and belief, that Mr. Francis, when consulted by leading members of the Liberal party and asked to accept the nomination, said he would not accept unless empowered to give the electors a pledge that if the Liberals got into office they would not interfere with the institutions of the French, their language or their school laws. I am informed that he was authorized to make that promise, that he went to the electors and gave them the pledge. I did not know that of my own knowledge, but I knew from the newspaper reports, and from information brought to the Winnipeg Liberals, that strong speeches were being made by Mr. Burke and his friends in the riding, calling upon half-breeds and French Canadians to vote against the Liberal candidate, on the ground that Liberals would likely pass laws interfering with their institutions. It was said, "are you going to put into power people, who, when they get into office, will legislate away your school and your language," and the electors were appealed to to oppose Mr. Francis for that reason. This became practically the leading question of that campaign, and the contest was a crucial one. Should the Liberals win, it was plain, in the view of the losses sustained by the Government, that they must resign. So that the success of the Liberal candidate meant that the party would at once attain power, while the election of Mr. Burke would almost certainly have insured the continuance of the Liberals in opposition till this day. It became necessary for the party leaders, therefore, to meet this appeal to the religious and race feelings of the French and half-breed voters, the pledge given by Mr. Francis appearing to be insufficient to satisfy them. Now the Liberals had a defined platform.\*\*\*\* The idea of interfering with rights guaranteed, or supposed to have been guaranteed, by the constitution, had never been suggested. On the contrary, it had frequently been pointed out on the public platform by Liberal leaders that these institutions were protected.\*\*\*\* When the question about the Liberal policy became so prominent and urgent in St. François Xavier I was consulted with others about it, and Mr. Martin was asked to go out and assist the candidate. I was told that he went out and attended the meeting, and I was told of promises he had publicly made, which were, to my knowledge, in accord with what was intended he should make. I went with him myself to a second meeting. It was a large gathering mainly composed of French and half-breed Catholics. The same charges were made by Burke as to what the Liberals would do if in office. The same appeals were made to his countrymen and co-religionists to defeat Mr. Francis for that reason. Mr. Martin in a powerful

speech, denounced the statements of Burke and his friends as false. He told the meeting that it had never been the policy of Liberals to interfere with the language or institutions of the French Catholic population, and he appealed to them to trust the Liberals, and to support their candidate. At that time I was president of the Provincial Association of Liberals, and Mr. Martin referred to my presence at the meeting, and said I could put him right if he was wrong. He went further, and not only said Liberals had no idea of interfering with these institutions, but gave a positive pledge in the name of the Liberal party, that they would not do so. I have always thought that the movement to establish the present school law, abolish all Catholic schools, against the strong protest of the minority was, under the circumstances, and in the face of that promise, a gross wrong. Personally I made no promise, but I felt as much bound by the pledge given as if I had given it myself.\*\*\*\* I know that Mr. Greenway, the Premier, was a party to the giving of that promise.\*\*\*\* I say that the pledge was given in the name of the Liberal party, for a party purpose, and that it did bind them under the circumstances in which it was made. Without that promise the party could not have carried that election, and by that election alone they attained to power. That power was obtained on the faith of that solemn pledge, and it was the Liberal party, as a party, that benefited thereby, and that accepted power and took advantage, for that purpose, of the votes given on the faith thereof.\*\*\*\* I think we made a mistake and that we ought to retrace our steps and do what is right in this matter.

These pledges, publicly given to the Catholics of Manitoba under the circumstances above referred to, were renewed by Mr. Greenway, in his official capacity as the Premier of Manitoba. When he was forming his Government, he went to St. Boniface, and with the knowledge and consent of the leaders of his party, he promised His Grace, Mgr. Taché, through the Vicar General of the Archbishop, that his Government would not interfere with the rights and privileges of the minority in so far as their language, their schools, and their electoral divisions were concerned. And in evidence of this new pledge, I will read brief abstracts of two solemn declarations given, the first by the Vicar General, and the other by Mr. Alloway, then a political friend of Mr. Greenway :

The Hon. Mr. Greenway then stated to me that he had been called to form a new Government in this province, and that he was desirous to strengthen it by taking into his cabinet one of the French members of the legislature who would be agreeable to the Archbishop, whereupon I remarked that I did not think that His Grace would favour any French member joining the new administration unconditionally and without any previous understanding as to certain questions of great importance to His Grace. Mr. Greenway replied that he had already talked the matter over with his friends and

that he (Mr. Greenway) was quite willing to guarantee, under his government, the maintenance of the then existing condition with regard.

1. To separate Catholic schools.
2. To the official use of the French language.
3. To the French electoral divisions.

On the following morning, in pursuance of the appointment so made, I attended at the office of Mr. Alloway in Winnipeg, and then again met the said Hon. Thos. Greenway, and I then communicated to him the message of His Grace, so intrusted to me as above set out, and Mr. Greenway then expressed to me his personal gratification at the said message and attitude of His Grace, and he then assured me that faith would be kept by his Government with His Grace; and then again, and in specific terms repeated to me the assurances that:

1. The Catholic separate schools.
2. The official use of French language.
3. The number of French constituencies would not be disturbed during his administration.

I had promised not to violate the confidence of the Hon. Mr. Greenway, by disclosing the particulars of said promises and assurances by the said Mr. Greenway on the floor of the Legislature notwithstanding that he had violated the terms of same before that time, and but for such open denial by him of such promises and his misstatements of what took place, I would not have felt at liberty to now disclose the same.

Mr. W. F. Alloway was present at his office during the second interview, with said Hon. Thos. Greenway, as above set out.

The following is the affidavit of Mr. Alloway:

I, William Forbes Alloway, of the city of Winnipeg, in the county of Selkirk, banker, do solemnly declare that I have seen and read the statutory declaration of the Very Rev. Vicar General Allard, made before Alex. Haggard, a Commissioner of the B. R., etc., on this first day of April, A.D. 1892, and I say that I was present as therein stated by him, and I did on said first occasion introduce the Hon. Thos. Greenway to the Vicar General, and I say that the account of said interview, as set out in said declaration of the Vicar General, is true in substance and in fact.

I was present at the whole of the said interview and heard all that transpired between the Vicar General and said Thos. Greenway.

I further say that I was present at my banking office on the following day when the Vicar General and the said Hon. Thos. Greenway met according to appointment made the day previous, and I heard most of the interview that took place between them on that second day, and I say that the promises and pledges as set out in the Vicar General's said statement were repeated on the said second interview, and the said Greenway then expressed himself as very much gratified with the attitude assumed by His Grace the Archbishop, towards his Government, and expressed such satisfaction not only then, but in my presence afterwards.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Act respecting extra-judicial oaths.

This is the history of the whole transaction and the origin of our troubles—no public good in view, but mere party advantages. Now, turning our eyes to the North-west Territories, I say that the pledges given in the name of Her Majesty, pledges to which I have referred above, should be sufficient to protect her loyal subjects, the Catholic population, against any encroachment upon their liberties. But there is something more. We find another pledge, we find a distinct agreement between the people of the North-west and this Dominion in the Act of this Parliament sanctioned in 1885. Section 14 of said Act declares in no uncertain terms the rights of the Catholics to their schools. Yet, you will see by the papers which will be produced on this motion, that the legislature of the North-west has respected neither the pledge nor the agreement. You will see that their recent legislation is simply an evasion of the law, thus adding derision to wrong.

I have now explained to you some of the circumstances under which our province and the north-west became part of the Dominion. You have in a brief form, some of the pledges that were given for the protection of the minority; you know the actual condition of things, and from all that you may well imagine why we are to-day so seriously aggrieved and you will forgive us if we vent our sentiments. The provincial pledges, the federal pledges, the imperial pledges themselves and all the most solemn agreements have been disregarded, and a large proportion of Her Majesty's subjects are subjected to the most iniquitous injuries, against the peace and prosperity of the country, to the damage of its good renown, and for what? Only to get, as has been said by Mr. Fisher, party advantages; I know that some other reasons are given, but they do not bear examination.

It is not, perhaps, the proper time to go fully into these objections. With the kind permission of the House, I will briefly refer to them in order to elucidate the situation, and with the hope of dispelling some misapprehensions. In the first place I may mention the reproach very frequently made against our schools of not being adequate to the requirements of modern education. In answer to that let me simply read to you the programme of our schools:

1. Religious instruction in the child's language.

2. Reading.
3. Spelling.
4. Grammar and analysis. In French and English.
5. Composition.
6. Penmanship.
7. Linear drawing.
8. Calculation, arithmetic, mensuration and algebra.
9. Bookkeeping, single and double entry.
10. Geography of all parts of the world.
11. Sacred history, history of Canada, England and France.
12. Good behaviour, politeness and becomingness.
13. Vocal music.
14. Useful knowledge, from the most rudimentary to the elements of physics, chemistry, agriculture and astronomy.
15. For the girls, domestic economy, sewing, embroidery, etc., etc.

Is not this programme sufficiently comprehensive for a primary school? I do not hesitate to say that most of the unprejudiced experts in pedagogies would look at this programme as one which could not be extended without danger of overturning into cramming, the most disastrous system for the health and the intellect of the child.

Moreover, allow me to state that at a provincial exhibition held at Portage la Prairie, in Manitoba, our schools got a diploma for general excellency. Allow me to state also that at the London Colonial Exhibition, eleven of our schools sent exhibits, which were the ordinary work and exercises of the schools, and the result was that medals and diplomas of merit were awarded to nine of those eleven schools. And the character of our exhibit at the Chicago Fair should not be ignored. There, by friends and foes, by English, French and German visitors, by the United States educationists, by our own people, by experts of all countries, and finally by the official judges in that section, the Catholic school exhibits have been proclaimed to be in the front rank of the educational display of the whole world. Surely this evidence should receive the utmost consideration, and at least should cause the enemies of our institutions to pause before allowing their hostility to go so far that the word injustice is not too strong to qualify it. The statement has also been made that our schools were church schools, and under the control of the hierarchy.

This is altogether a misapprehension. There has not been for years any such things in Canada as church schools, in so far as primary education is concerned; except, however, in mission countries where no other

schools can be had. In Manitoba especially, our schools were purely public schools in every sense of the word, like the other schools then in existence in the province. They were not controlled by the church but by the parents. They existed by virtue of the same law and under exactly the same conditions as the schools attended by the Protestant children. The only things which were subject to the approval of the church authorities were the books in connection with religious and moral instruction. Surely this cannot be refused to the church, which is the proper authority in the matter, and the state instead of objecting to that should, on the contrary, be thankful to the church for its care—because high and sound morals constitute a blessing to the state in all its civil and political manifestations.

In fact, in all our contentions, what we claim is not church schools, but parental schools.

It is the duty of parents to care for their children, and to educate them. Since it is a duty they must have the right of accomplishing that duty. It would be an absurdity, a derision or a tyranny to tell me that I am bound to perform a certain duty, and at the same time to put in my way such obstacles as would take from me the liberty or the possibility of performing the same. The State cannot interfere to curtail the rights of the parents. But it can undertake to assist the parents in their duty. Neither the church nor the parents have ever refused to the state its legitimate interference. Everybody is in accord in wishing a large and intelligent diffusion of knowledge. Taking into consideration the circumstances surrounding modern communities, the church and the parents admit the assistance of the state in that noble work. They admit that the State has an interest in the education of the people. They admit that the State has a right to see that the assistance given is not misapplied, they admit that the State has a right to exact a full compensation in the form of knowledge, outside of religious instruction, for the money they hand over to the parents to help the latter in the fulfilment of the duties imposed upon them by nature and their religious convictions. As a matter of fact, they only retain practically now-a-days the right of guiding the morals of their children and of teaching them how to worship their God upon this earth. Thus understood, there is no inconsistency

in our theory, there is no clashing between the rights of the parents and the right of the State. On the contrary, there is a fruitful and harmonious accord which has its continual and delightful echoes in the hearts of all good citizens and brings them together and contributes to the national unity.

This brings me to the consideration of another assertion. It is frequently heard that in educating the children of all denominations together in the common schools, or in the so-called national schools, harmony would result amongst all classes of the people. The theory may be a laudable one, but facts go against it. By forcing people together against their will, you may form a crowd, a mass, a multitude, but that is not social or national unity. Unity does not consist in uniformity of colour or calling. It rather depends upon a common love for our country, a common devotedness to its interests. Now, we deny to all the right to say that we do not love our Canadian home, that we are not devoted to its best interests. Harmony is desired. Most sincerely we long for the day which will see harmony restored. But cast a look upon the countries where such school questions are raised. Harmony does not exist in those countries. Within our own borders, what do experience and history teach us?

In 1865, and for years previously, no harmony existed, just on account of the same sort of contentions. The leaders of the nation had to declare that extreme discord reigned and that the country was on the verge of anarchy. By the confederation measure those school questions were settled in accordance with justice, and immediately peace and harmony began to reign.

Previously to the raising of these questions in Manitoba and in the North-west complete harmony prevailed there. In evidence of this fact, I will quote from the writings of gentlemen whose testimony cannot in this respect, be suspected:

In 1882, Rev. Dr. G. Bryce wrote a book entitled "Manitoba, its infancy, growth and present condition." In that book he said:

Lord Selkirk's scheme of perfect religious equality and toleration is that still subsisting in Manitoba. One of the results of this is a friendly feeling subsisting between the different churches. Denominational rancour is one of the greatest hindrances to progress in a new country. It is satisfactory that there is no bone of contention to disturb the prevailing harmony. No church is

given any place of precedence, except what its own energy and usefulness to the community at large secures for it.

The following is from a report addressed to the Lieutenant-Governor by Mr. J. B. Somerset, superintendent of Protestant schools, dated 29th April, 1886:

It is gratifying to all lovers of good citizenship, as well as of educational progress, to note that from the organization of this system of management in 1871, at which period the Protestant schools numbered sixteen and the Catholics seventeen, to the present, there has been an almost entire absence of the friction and disagreement that have marked the progress of education in some of the sister provinces.

I will read another extract from Dr. Morrison, who is now in the lower provinces, but who at one time lived in the province of Manitoba. I take this extract from a speech of his published in the *St. John Sun*, 26th and 27th February, 1894. He said:

Throughout all these years, from 1871 until 1888, no complaint was ever made with the workings of the separate school system. No injustice was complained of by anybody in any public manner \* \* \* There was no Manitoba School question. The people, Protestant and Catholic alike, were perfectly contented with the school system as it then existed; and the Protestant and Catholic population lived together in peace and harmony, and with perfect satisfaction with the school system as it then was.

Hon. Mr. SCOTT—Who is Dr. Morrison?

Hon. Mr. BERNIER—He is a Protestant.

Hon. Mr. PERLEY—He is a friend of Mr. Greenway, is he not?

Hon. Mr. BERNIER—I do not know. Now, can there be any doubt that we were then living in peace and harmony? But now, seek throughout our immense prairies, east and west, and tell me where union is to be found? Our country is in a spasmodic mood throughout, and it will be so until our grievances are equitably and constitutionally settled. No, harmony will not be restored, nor promoted by depriving us of our rights and of our religious liberty. Harmony will not be fostered by forcing us to educate our children in schools to which we object, but mutual regard will do it. Let every one cease to misrepresent our people, our institutions, our sentiments. Let every one cease to cast odium upon us, let every one refrain from spreading all kind of groundless accusations, and especially the undisguised accusation of

disloyalty.

I am a man, not only the owner of the property and as a fountain of religion, not only him as this statement whatever in per apprehend disappearing. I go further, her rule, Catholicism, allegiances, her success are in prove with the daily Canadian who are to attend see ever before the Almighty, American was only New France, living people, floating who have his voice, forefathers, British, it sounds, it had voice—Bishop, flock of, remained in 1812, marched, the voice, The great, the request, the Methodist rule, set that England, urging



disloyalty. This is, to say the least, particularly annoying and unfair to us.

I make here, as a Catholic and as a public man, the following statement: We do not owe any civil or political allegiance to the Pope. He is the head of our church, and as such we look on him as the pure fountain of truth with regard to morals and religious doctrine. But he is not, he does not pretend to be, and we do not regard him as our temporal sovereign. I make this statement without any qualification whatever, without any mental reservation, in perfect good faith, and without any apprehension of its being contradicted or disapproved of by any clerical authorities. I go further: Instead of disaffecting the Catholic subjects of Her Majesty against her rule, the Pope commands, and the Catholic doctrine teaches us full and absolute allegiance to our Most Gracious Queen, to her successors and to the British flag. Facts are in accord with the doctrine. And to prove what I say, I have only to refer to the daily behaviour of Catholic people and to Canadian history. Were it possible for those who are constantly arraigning the Catholics to attend our religious services, they would see every Sunday the Catholic people kneeling before the altar and publicly praying the Almighty to bless and to save our gracious Queen. Going back to the time of the American revolution, what do we find? It was only a few years after the surrender of New France to England; there were still living people who had seen the white flag floating at the top of the Quebec citadel and who had fought under it. Lafayette made his voice heard amongst us. He urged our forefathers to join in the rebellion against British rule. That was a French voice, and it sounded like the trumpet of liberty, yet it had no echo. We listened to another voice—the voice of the Catholic Church. Bishop Briand, of Quebec, reminded his flock of the duties of a loyal people, and we remained faithful to our new masters. Again in 1812 and 1813, our southern neighbours marched against Canada. But again also the voice of the Catholic Church was heard. The great Bishop Plessis, the same who, on the request of Lord Selkirk, sent missionaries to the North-west to help that good Presbyterian to establish a colony under British rule, sent a pastoral upholding the rights that England had to our allegiance, and urging our militia to go to the front,

and to the front we went, under the command of the illustrious de Salaberry. We saved Canada to England, as we had saved it some 35 years before. Yes, on these two occasions we upheld the British honour and the British flag. Had we joined the rebels of the thirteen colonies, England could not then have saved Canada any more than she could Boston and the surrounding states, and the British power would then have sunk for ever on this continent. In support of these ideas allow me to quote a remarkable paragraph which is to be found in a letter of Lord Nugent, published in 1826:

Canada, which, until you can destroy the memory of all that now remains to you of your sovereignty on the North American Continent, is an answer practical, memorable, difficult to be accounted for, but blazing as the sun itself in sight of the whole world, to the whole charge of divided allegiance. At your conquest of Canada, you found it Roman Catholic: you had to choose for her a constitution in Church and State. You were wise enough not to thwart public opinion. Your own conduct towards Presbyterianism in Scotland was an example for imitation; your own conduct towards Catholicism in Ireland was a beacon for avoidance; and in Canada you established and endowed the religion of the people. Canada was your only Roman Catholic colony. Your other colonies revolted; they called on a Catholic power to support them, and they achieved their independence. Catholic Canada, with what Lord Liverpool would call her half-allegiance, *alone* stood by you. She fought by your side against the interference of Catholic France. To reward and encourage her loyalty, you endowed in Canada bishops to say mass and to ordain others to say mass, whom, at that very time, your laws would have hanged for saying mass in England; and Canada is still yours in spite of Catholic France, in spite of her spiritual obedience to the pope, in spite of Lord Liverpool's argument, and in spite of the independence of all the States that surround her. This is the only trial you have made. Where you allow to the Roman Catholics their religion undisturbed, it has proved itself to be compatible with the most faithful allegiance. It is only where you have placed allegiance and religion before them as a dilemma that they have preferred (as who will say they ought not?) their religion to their allegiance. How then stands the imputation? Disproved by history, disproved in all states where both religions co-exist, and in both hemispheres, and asserted in an exposition by Lord Liverpool, solemnly and repeatedly adjured by all Catholics, of the discipline of their Church.—Lord Nugent's letter, pp. 35, 36.

Have those sentiments and conditions undergone any change in the latter part of this century? To any one having doubts on this matter I am in a position to point to the action of our missionaries in the far west, in that very portion of our territory whence the troubles come.

In 1869-70, a first insurrection arose in the North-west. Archbishop Taché was in Rome attending the solemn deliberations of the Vatican Council. You may well imagine, honourable gentlemen, what a source of delights it was for an old christian missionary to be in the Eternal City at a time when bishops from all parts of the world were gathered there in the interest of their church. Yet, as soon as the Canadian and Imperial Governments had expressed their earnest desire of availing themselves of his services for restoration of peace and of the legitimate authority, he went at once to the Holy Father, who, in giving him the necessary dispensation, blessed him, blessed the mission that he had just accepted from the civil authority, and blessed also the flock of the old bishop, but that flock he blessed only on condition that they were to listen to the Bishop's advice, to go back to their homes and live in peace and charity under our flag. Finally the old Bishop left Rome and returned to his own country. In Ottawa he met the Governor General who remitted him a letter in which we read these significant words :

I am anxious to express to you, before you set out, the deep sense of obligation which I feel is due to you for giving up your residence at Rome \* \* \* and undertaking in this inclement season the long voyage across the Atlantic, and long journey across this continent for the purpose of rendering service to Her Majesty's Government, and engaging in a mission in the cause of peace and civilization. Lord Granville was anxious to avail of your valuable assistance from the outset, and I am heartily glad that you have proved willing to afford it so promptly and generously.

After he had received his instructions the Bishop proceeded to the North-west, and peace was restored, and the dignity of the Crown upheld. Does this resemble anything like divided allegiance?

In 1885, at the time of the second rebellion, the Church again, by its missionaries, was the main influence which kept in peace the majority of the inhabitants. The following is a re-translation from a French translation of an article in the *Evening News*, of Winnipeg :

When the whole of Canada feared and trembled to see the Blackfeet side with the rebels, who firmly stood before them? who prevented them from rushing upon us? Was it the Canadian Government or the forces of the empire? No, the poor, humble and devoted Father Lacombe was the man who did so? To him the Canadian mothers owe their thanks for not having to-day to mourn their sons; to him, many happy wives to-day owe their gratitude for not having to sob over

the tombs of their husbands. Lacombe and his companions, the Fathers André, Fourmond, Cochin, and other brave soldiers of the Cross, did not hesitate; they went and faced the deadly weapons; they threw themselves between the Indians and the Canadian people, at a time when danger was extreme, and they prevented the shedding of blood and saved millions of dollars to the public treasury.

Prevented shedding of blood and saved millions to the treasury! and for that blood and for those millions of dollars which have been spared to the country, these very men, and their flocks, in the very field of their labours and services, are now accused of dividing their allegiance, of refusing to work in harmony and for the interest of their country, they are tracked as helots, they are ostracised in their own country which they have so bravely and so devotedly served, and their vested rights are confiscated! That is their reward, and by whom has that mischief been done? By some who have themselves been saved from the fury of the Indians, and by some others, new comers, young men, inexperienced young politicians, full of presumption but forgetful of the services of those who have kept the country for them and prepared their bright future and their lovely homes. Shall Canada be a party to that questionable gratitude?

In vain the opponents of our Catholic schools try to misguide public opinion by appealing to national sentiment and by styling their system a national one. In a christian country no others than christian schools can be called national schools. To call national a system of atheistic schools in a country where christian rule obtains, would be a misnomer. As a matter of fact, the struggle is not between the different christian denominations, but between christianity and atheism, and we are fighting the battle of christianity. Speaking in the House of Lords in 1891, in connection with the Australian schools, the Duke of Argyll—a Presbyterian, if I am not mistaken—testified to this sincere and fundamental feature of our action in the following words :

The Catholics had the high honour of standing alone and refusing to pull down in their schools the everlasting standard of conscience. This resistance on the part of the Roman Catholics, I believe, may be the germ of a strong reaction against the pure secularism, against which I venture to call the pure paganism, of the education of the colony.

But leave aside, if you will, that aspect of the question, what remain with the partisans of secularism! A mere theory! Now, with us it always remains a matter of conscience.

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Then which view should give way? Is it conscience that should give way to theory, or is it not rather theory that should give way to conscience? It seems to me that the answer cannot be doubtful. Allow me, hon. gentlemen, to urge upon your consideration the lesson that was given in antiquity by a man who still enjoys after centuries an uncontested reputation for wisdom. Solon, the Athenian legislator, was asked one day whether the laws that he had given to his people were the best laws that could be devised. "I may not have given to the Athenians," he replied, "the best laws that could perhaps be made, but I have given them the best laws that could be applied to them." This is an answer worthy of our consideration. It shows that our duties are not to make the people for the laws, but to make the laws for the people. It reminds me of a few words of the late Hon. Alex. Mackenzie, speaking on the school question. He said:

For many years after I held a seat in the Parliament of Canada, I waged war against the principle of separate schools. I hoped to be able— young and inexperienced in politics as I then was—to establish a system to which all would ultimately yield their assent. Sir, it was found to be impracticable in operation and impossible in political contingencies.

I am now coming to a close. I have brought to your recollection the condition of the country previous to confederation. I have laid before your eyes the noble example given by the fathers of confederation in rising above their political divisions for the sake of getting their country out of the existing discords, and of replacing it in the path of harmony and prosperity; I have pointed out the spirit in which our constitution was framed: I have recalled the pledges that were given to the minorities in all parts of the Dominion, including Manitoba and the North-west, for the protection of their rights and usages; I have thought it my duty to call your attention to the unwarranted way these pledges have been violated; I have tried to dispel certain misapprehensions which seem to exist in the minds of many. Now, let me impress upon your mind the difficulties which are in store for us, if we do not settle in an equitable and constitutional way the burning and irritating question which has been forced into our political controversies.

There is no use of trying to evade our responsibility. Sooner or later we will have

to face the difficulties. The Catholics of the whole Dominion will follow the matter from step to step; if necessary they will take their case to the Imperial Government and even to the foot of the Throne; our children and their mothers will send their prayers to our beloved Queen, who has honoured the throne not only as a Queen and as a woman, but also as a mother. In my humble opinion both parties are under peculiar obligations with regard to these questions and their solution. There is a binding obligation upon the administration of the day on account of their being in office and of the responsibility they are under for the good government of the country. The Opposition are also bound—and here I beg to remark that I do not speak in a spirit of antagonism—the Opposition are bound on account of the initial action of their friends and political associates in Manitoba. In the latter province the Reform party is the cause of all the existing discord and mischief. For party advantages they have violated in an unworthy way their promises and pledges. As Mr. Fisher has said, "they have made a mistake; they ought to retrace their steps and do what is right," and their political friends here are bound to use their ability and influence for the repairing of the ruin made by their party in Manitoba. That is their special responsibility. There is a common responsibility on both sides in Parliament. The Canadian Parliament, as a whole, is the custodian of the honour and dignity of the country. Now, for four years the public good faith, the honour of the country has been in jeopardy; it is our common duty to put an end to such a situation.

Under those circumstances, is it too much to expect that both parties should, for once, join hand in hand, and provide an equitable settlement of our grievances? Is it too much to hope for a repetition of what took place at the time of confederation? Then the party leaders joined together for the sake of the harmony, prosperity, and stability of British institutions. The difficulties they had to face then are meeting us to-day, and I feel confident that the statesmen at present at the head of the two great parties in this Parliament would not consent to take an inferior rank in intelligence and patriotism? This time our present regime cannot be changed. We have to solve our difficulties by the application of the true principles of the constitution with a firm

determination of carrying out in all fairness the rules of equity to all as laid down in the debates on confederation in 1865, and according to the subsequent pledges and agreements. In my humble opinion, the future of the country lies in the gradual and normal development of confederation under the rules of justice, toleration, liberty, and fair play, and in the honest redemption all over the land of such pledges as those outlined in these words of Sir John Rose :

We trusted each other when we entered this union ; we felt that our rights would be saved with you ; and our honour and good faith and integrity are involved in and pledged to the maintenance of them.

Unless we act in the spirit of these utterances, unless that trust is faithfully and honourably kept and carried on in accordance with the well known agreements entered into, and of the true spirit of the

constitution, unless the dignity of the Crown is maintained by the prompt and unequivocal redemption of the pledges given on its behalf, no one can say that the future historians will not have to relate the failure of confederation, in so far at least as are concerned its ability and power to check injustice and to protect the minorities whose rights and privileges have been intrusted to the loyalty and generosity of the majority. But to those who would like to prevent such an unfortunate issue, to those who generously, sincerely and loyally desire to join with us to maintain this confederation, to uphold its integrity, to foster and increase its prosperity, to maintain peace and union between all the different classes which compose the people of this Dominion, to assure the stability of Canadian and British institutions on this soil, to those we gladly and cheerfully say : "Tender us your hands, here are ours."

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# THE SENATE DEBATES

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FOURTH SESSION—SEVENTH PARLIAMENT

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## SPEECH OF THE HON. R. W. SCOTT

ON THE

## Manitoba and North-west School Questions

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OTTAWA, APRIL 4TH, 1894

Hon. Mr. SCOTT—The subject referred to in the motion made by the hon. senator from St. Boniface is one which has excited a good deal of attention, not alone in Manitoba and the North-west, but over all parts of this Dominion. A very considerable body of Her Majesty's subjects feel that a right which they considered had been effectually secured by the British North America Act and by subsequent legislation has been rudely withdrawn and as hon. gentlemen are aware the subject is now being discussed through the public press and is likely to be discussed in another branch of the Parliament. The attack on the Manitoba separate schools has been successful. The school system that had been guaranteed by the Act under which Manitoba came into the union has been swept away. The guardians of the rights of the minority seemed powerless, apparently, to counteract the movement. Emboldened by the success there, the same process, to a very nearly equal degree, was attempted and I am sorry to say has been partially successful in the North-west. Those who are opposed to what is known as the system of separate schools, further emboldened by the repeated successes that have attended the efforts of those who are so intolerant as to oppose the existence of those schools, have now attacked the citadel in Ontario. As hon. gentlemen are probably aware, a bill has already been introduced in the Legislature of Ontario having for its object the crippling of the school system in that province so far as the rights of the minority are concerned. Under those conditions and circumstances it requires no apology from me if I go at some considerable length into this subject in order that hon. gentlemen who are perhaps not familiar with this question may be fully advised of the present condition of the subject. Before doing so, however, I think it is due to the hon. Senator from St. Boniface that I should offer him



my congratulations on the admirable speech to which we were treated yesterday afternoon. I am sure it will be admitted that he took a calm, dispassionate view of the subject. He might be pardoned for exhibiting some degree of heat, coming as he did from the province where the rights of the minority have been so flagrantly violated as in the case to which he so fully referred. There are a number of points not covered by the observations and speech of that hon. gentleman yesterday, to which I shall feel it my duty to call the attention of this House, satisfied that the calm judgment of all fair-minded men will go with me in the conclusion that I have reached, that a gross breach of the constitution has been perpetrated. As a preliminary it is necessary that we should understand the condition of things that existed anterior to Manitoba's coming into the Union. As hon. gentlemen are no doubt aware, the settlements in the North-west were largely made in the first instance by French-Canadians and it is on that account, probably, that our French-Canadian friends from Lower Canada feel more keenly on the subject than the minority in any other province of the Dominion. Contemporaneous with the advent of the missionaries and with the civilization of the Indians, schools were established, and we have records at a very early date of the existence of those schools, and when Lord Selkirk's settlers went into that country they followed the example of the Catholic missionaries and established denominational schools in connection with their churches. So far back as 1825, so marked were the advantages already derived from the education given by the Catholic missionaries, that on the second day of July the chief factors of the Hudson Bay Company assembled in council at York Factory, passed the following resolution :—

Great benefit being experienced from the benevolent and indefatigable exertion of the Catholic mission at Red River, in the welfare and moral and religious instruction of its numerous followers; and it being observed with much satisfaction that the influence of the mission under the direction of the Right Reverend Bishop of Juliopolis has been uniformly directed to the best interest of the settlement and of the country at large, it is resolved That, in order to mark our appreciation of such laudable and disinterested conduct on the part of said mission, it be recommended to the honourable committee, that a sum of sixty pounds per annum be given towards its support.

Thus we find that so early as that period, the

only sovereignty that existed in that country contributed to the support of the schools. In the year 1857 Professor Yule Hind who, as hon. gentlemen are aware, made a very elaborate report on the condition of things in Manitoba and the North-west, reported in chapter 10 of his work :

Education is in a far more advanced state in the colony (Assiniboia) than its isolation and brief career might claim for it under the peculiar circumstances in which the country has been so long placed. There are seventeen schools in the settlement, generally under the supervision of the ministers of the denomination to which they belong.

Further on :

All of the foregoing establishments are independent of the Sunday schools properly so-called in connection with the different churches.

Then the Bishop of Rupert's Land reports with reference to their school money :

The sources of income vary much; ten out of the thirteen schools are connected with the Church Missionary Society.

In the other schools about one-half may be paid by the society, sometimes less, and the rest is made up by the parents of the children.

The sum paid by parents is fifteen shillings a year; when Latin is taught one pound.

The parochial school connected with my own church is equal to most parochial schools which I have known in England.

Then there were two Presbyterian schools which were thus referred to by the Rev. Mr. Black in a letter :

First, then, as to the school: it is entirely supported by the people of the district, or rather by those of them who send their children to it. You are aware that we have no public school system in the colony, and this, like the rest, is therefore essentially a denominational school.

There is no manner of doubt—it is practically admitted in the case that went to the Privy Council, that denominational schools in the fullest and freest acceptance of the word existed at the time in Manitoba and the North-west. The term "denominational schools" is a familiar one to all gentlemen who are at all intimate with the early history of Canada; it is a very well known expression to those of us who had seats in the old Parliament of Canada. Since 1841 this question of denominational schools and separate schools has been discussed. There is no uncertainty about what it means. All those who had to do with the question, and all representative men in both chambers in earlier years thoroughly comprehended what the meaning of denominational and separate schools was. There can be no pos-

sible doubt upon that subject. Then the next question that we ought to consider fairly is, was it, at the time that Manitoba came into the Union, thoroughly understood that those denominational schools, as they then existed, were to be preserved and continued for all time to come? Was that a part of the charter that was given to Manitoba? In order to do that I will just quote some official documents and I think I will satisfy hon. gentlemen that so far as those who may be considered the promoters of the movement, and so far as those who were the actors in ratifying the agreement were concerned, they themselves left nothing undone to carry out what was considered at the time a fair and equitable settlement of the question in reference to Manitoba and that territory.

Now, in 1869, at the time when we were agitating for the union of Manitoba and the North-west, we had paid our money and were trying to get possession of the country. The home Government had shown a very large interest in the subject, as in all questions of that kind, where the rights of colonists are concerned, they have invariably taken a fatherly interest in the matter. We had endeavoured to bring about the desired result by friendly methods by the interposition of those who had the confidence of the people, and to bring it about by methods of peace. On the 6th December, 1869, Lord Granville, then Secretary for the Colonies, sent a despatch to the Governor General advising the issue of a proclamation assuring the people of the North-west that their rights should be preserved. I quote the exact language of the proclamation issued by Sir John Young:

By Her Majesty's authority I do therefore assure you in union with Canada all your civil and religious rights will be respected.

Now there is no uncertain sound about that. It speaks as plainly as the English language can convey an idea. On the strength of that, and with a view of bringing about an arrangement, delegates were named in the North-west. They were Judge Black, Father Richot and Alfred Scott. They came to Ottawa; I perfectly recollect the event myself. I was here at the time and remember it. There was very considerable feeling all over the country in consequence of the events that were

then transpiring in Manitoba, in Fort Garry, and a very few days after they arrived in Ottawa Scott and Father Richot were arrested. What was the effect of that? The home Government cabled out immediately to the Governor General asking whether it was with the sanction of the Government of Canada that the delegates were arrested. This Government promptly replied that it was not, and they intervened and the two delegates were discharged. Judge Black did not come at the time, but Father Richot and Scott did. They met Sir Geo. Cartier and the late Sir John Macdonald, who acted on behalf of the Federal Government, and they had their conferences at Ottawa day by day. On the 23rd April Lord Granville feeling anxious about the matter cabled to the Governor General to accept the decision of Her Majesty's Government in all particulars of the Settlers' Bill of Rights, referring to the Bill of Rights that the delegates had brought down and which had been agreed upon at Fort Garry before they left. If anybody takes the trouble to analyse this Bill of Rights he will find that a large portion, referring to the language, the schools and the lands, is embodied in the Manitoba Act, evidently showing that those who drew up the Manitoba Act were also familiar with the Bill of Rights. The 7th clause in the Bill of Rights provides:

That the schools be separate and that the public money for schools be distributed among the different religious denominations in proportion to their respective populations according to the system of the province of Quebec.

That was the system then in existence in the province. It was only natural, as they had lived in peace and harmony among themselves, and as there never had been any disagreement among the different churches, that they should desire to perpetuate that kind of fraternal feeling, and so that section formed one of the clauses of the Bill of Rights. The 16th clause provides that the English and French languages shall be used in the legislature and the courts, and that the Acts of the legislature shall be published in both languages. The language of the Manitoba Act on that subject is almost identical with that of the Bill of Rights, showing that the Bill of Rights was an important factor in those negotiations. Now those gentlemen were here during the month of April, and in that month the conferences took place. On May

3rd, a cablegram from the Governor General to Lord Granville stated :

Negotiations with delegates closed satisfactorily.

On receipt of that, Lord Granville sent the following despatch :

I am glad to learn that the proceedings adopted against the Rev. Mr. Richot and Mr. Scott were promptly disposed of and not renewed, and I take this opportunity of expressing the satisfaction with which I have learned from your telegram of 3rd inst. that the Canadian Government and the delegates have come to an understanding as to the terms on which the settlement of the Red River should be admitted into the Dominion.

Can anything be more specific and definite? It is clear that the Imperial Government understood the situation thoroughly. The matter was discussed by the public press. I know there was a great deal of hostility shown because the Government had recognized those gentlemen as delegates. They thought it was better to do so with a view to acquiring that territory in a peaceable way, and endeavouring to soothe the animosity of people that had been raised by other circumstances. Some papers commented on it in an unfriendly manner. The *Globe* of May 7th has this editorial on the subject, commenting on the fact of the delegates being listened to at Ottawa :

The constitution proposed for Manitoba must evidently have been submitted to Messrs. Black, Richot and Scott, before coming before Parliament at all ; as they graciously approved, no further trouble was anticipated.

That was before the Bill was considered in the House of Commons. On 5th May Earl Granville read a telegram in the House of Lords, after the introduction of the Bill—so anxious was the Government to feel that they had the approval of the Imperial Government, and knowing the interest they took in the friendly and equitable solution of the question. The despatch was from Sir Francis Hincks to Sir John Rose, and was as follows :

Rupert's Bill passing Commons, concurred in by delegates and Canadian party—in fact by all in territory.

That was the conclusion. The delegates had finished the conference and the bill was before the House of Commons, and it was then going through. That was on 3rd of May. It came up for its second reading on the 10th May. I quote from the Parliamentary Debates of 1870 :

After several clauses of the bill had been discussed and voted on Mr. Oliver moved that the educational clause be struck out.

Hon. Mr. CHAUVEAU hoped the amendment would not be carried. It was desirable to protect the minority in Manitoba from the great evil of religious dissensions on education. There could be no better model to follow in that case than the Union Act, which gave full protection to minorities. It was impossible to say who would form a majority there, Protestants or Catholics. If the population were to come from over the seas, then the Protestants would be in a majority. If as had been asserted, Manitoba was to be a French preserve, the Catholics would be a majority. He did not care which, because he desired only to see the new province freed from discussions, which had done so much injury in the old provinces of Canada. They presented a problem to the whole world, and the question was, could not two Christian bodies, almost equally balanced, be held together under the British Constitution. He believed that the problem could be worked out successfully.

Now Mr. Macdougall was an opponent and had been an opponent of separate schools all his life. He had opposed the separate school Bill which was carried by myself in 1863. He was opposed to the principle of the bill, but voted for it on the third reading. Mr. Macdougall said :

The effect of the clause if not struck out would be to fix laws which the Local Legislature could not alter in the future.

Mr. Macdougall was one of the gentlemen engaged in the drafting of the British North America Act ; he had attended the convention at London and Quebec, and was perfectly familiar with every clause of it. Mr. Macdougall knew what the effect would be, and the House knew it. They did not vote on an uncertainty ; they voted with a perfect knowledge that if this motion were rejected, then for all time to come—except through the intervention of the provinces and the Imperial Government—the separate schools, both Protestant and Catholic, would continue to exist in that province. Mr. Macdougall advised that it should be struck out ; he thought it better to go to the Provincial Legislature and let them settle it. That was his view :

Sir George Cartier referred to the manner in which the Red River country had been settled, and grants of land which had been made to the clergy for the purposes of education.

Mr. Mackenzie was prepared to leave the matter to be settled exclusively by the local legislatures, and he thought it better it should be relegated to them. Mr. Mackenzie lived long enough to feel that his view

expressed on that occasion was wrong. He subsequently admitted in Parliament, on several occasions, that it was entirely a mistake. When in the Parliament of Canada, he had always opposed separate schools; but in after years he supported that system as best for a mixed community like ours. However, the question was debated, and no language could put it more tersely than Mr. Macdougall puts it :

If Oliver's motion was not struck out, the effect would be to fix laws which the local legislatures could not alter in the future.

A vote was taken, and eighty-three voted against it and thirty-four for it ; the majority was more than double, and it is gratifying to feel that there was a majority of the Protestants in the House of Commons opposed to Mr. Oliver's proposition to deprive Manitoba of its schools. It cannot be said that it was imposed on Manitoba by a Lower Canadian vote. Among the Protestants who voted for it were Archibald, Bown, Burton, Cameron (a distinguished gentleman who was at one time a Grand Master of an important order, but whose prejudice never carried him so far as to refuse to recognize the rights of the minority), Campbell, Carling, Gibbs, Hincks, Pope, Shanley, Tilley and others. Now these gentlemen knew what they were voting for. My hon. friend, the leader of the House, when he cast his vote, must have known perfectly well what he was voting against. There was not the least uncertainty about it. That was the only vote taken upon it and when the Bill came up again it was allowed to pass unchallenged in the House and then it came up to the Senate. Now the Senate discussed several clauses of the bill. They did not, however, interfere with that clause ; they took no vote on it, but allowed it to pass, so that this House unanimously approved of the clause, because public attention had been called to it ; it was discussed in the newspapers and the minority's rights were not challenged there. The papers discussed it. I do not find any hostile position taken by any of the papers. The *Toronto Globe*, which now takes a very strong attitude on the subject, had an article 10 days after, calling attention to the educational clause. The House rose a few days after the Bill passed, I think the 12th May, and in giving a résumé of the business of the session the *Globe* of May 23rd has the following observations in

reference to the educational clause, put in language which means the same, but which is more convincing from the fact that it differs verbally from those in the Act itself :

It is specially enacted that no law shall be passed by the Provincial Legislature injuriously affecting in any way denominational schools, Catholic or Protestant. An appeal against any educational act that infringes upon this proviso will be to the Governor in Council, and if powers are required to enforce his decision, the Parliament of Canada may be invoked to compel due compliance by an act for the purpose.

That is what the *Globe* said ; put it in plain English. There is no protest against it, no declaration that the establishment of denominational schools is a violation of the rights of British subjects. All parties accepted it. Now in order to show that all parties for years afterwards considered the case settled beyond all question, I will call attention to some remarkable utterances. In 1875 we had the North-west Territories Bill, under which separate schools were established there before us in this chamber. I had charge of it. Reference was made in that debate to the advantage of settling this question, and we pointed to the instance of our dealing with the question so far as Manitoba was concerned, and congratulated ourselves that it never could arise in Manitoba, that we had settled it so solidly, so sacredly and so perfectly that it could not cause trouble there. I will quote from the speech of the hon. member from Richmond first. Speaking of the powers of Parliament, Mr. Miller said :

Parliament had an undoubted right under these circumstances to make such provisions regarding the question of education, or any other question, for this new territory, as in its wisdom it thought best for the future peace and well being of the country. The difficulties they had already encountered in the old provinces in regard to education should be a warning to them to prevent similar troubles arising in the provinces they hoped to see spring up in the North-west. This policy had been applied to Manitoba, and who can deny that that course had been wise, and would save that province from all the discord and bitter agitation throughout which the older provinces were either passing or had already passed. It was unfortunate that the Act of Union had not settled the educational rights of all the old provinces on a just and liberal basis, as had been done in Ontario and Quebec.

Remember this was only three or four years after we had settled the Manitoba question. We had some little time before

been discussing the New Brunswick School Act, and the question had also cropped up with reference to Prince Edward Island when that province was coming into the Union. Those references therefore show most conclusively the unchanged opinion of the whole Dominion. No man arose to protest against it. All accepted it as conclusive, as absolute and as complete. Nothing could be more so. No language could be framed to give stronger expression to the wishes of Parliament, and to the views of those who were the chief actors in this agreement. When we dealt with that North-west question in 1875, there was a good deal of feeling, not in the North-west, but in some remote parts of the Dominion where they found fault with this Parliament for dealing with the question, and it was brought up in the Senate on two or three occasions. It was on a petition from New Brunswick, I believe, and a debate arose as to what we had done in the past in settling the question in Manitoba and the North-west Territories. The late Senator Girard, in 1876, said:

If there was anything in the bill that afforded satisfaction to the people of the Territories, it was that provision. They had in Manitoba to do battle on this question, but they had been enabled to establish a basis which would do away with the difficulties that existed in the other parts of the Dominion.

Mr. Miller, like other hon. gentlemen, believed that it was settled irrevocably—that it could not arise again; that, as Mr. Macdougall pithily put it, the local Legislatures had nothing more to do with it; that if they did, there was an appeal to the Governor in Council. I am not aware that there was any agitation preceding this act of the Manitoba Legislature. The interesting dissertation given us by the hon. member from St. Boniface was news to me as to the trickery and fraud resorted to in connection with the foundation of this movement. It is greatly to be regretted, and the parties to it will one day have cause to regret their conduct. They will not enjoy hearing those words, which were uttered 1,800 years ago: "Blessed are the peacemakers for theirs is the kingdom of heaven." Those who sow discord will verily reap their reward. There are intolerant men in all churches, Catholic as well as Protestant. It is our duty, and it is the duty of every man who loves his country and his fellow men, to set his face

against movements of that kind. This country is broad enough for all of us to enjoy life to the fullest extent. We ought, in these matters which are dear to us, all to bear and forbear, where we cannot possibly agree. If we could agree on this question of religion in the schools, I, for one, would go in heartily for it, and have our children educated together, but we know it is impossible. It has been tried over and over again and failed. Is it not better that we should educate our children in the various religious professions of this country, and make them good citizens? All our christian churches teach religion and morality—teach men to be better. Is not a pious Catholic better than a bad Catholic? And so it is with all the denominations. (A laugh.) My hon. colleague from Rideau division treats the question with levity. I think it is a serious question, affecting not only the interests of our own population, but the interests of people in all lands. The trend of public opinion in all civilized countries is towards Christian education. I come now to the Manitoba Act. Let us see whether it carried out the agreement that was discussed by the delegates and the members of the Canadian Government. The Manitoba Act itself reads in this way:

In and for the province, the legislature may exclusively make laws in relation to education, subject and according to the following provisions:—

(1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the province at the union.

Now, if we come to the corresponding section of the British North America Act, it reads word for word like that, except the introduction of the word "practice" in the Manitoba Act. Now, why was that word introduced there? Was it not to meet the special conditions which existed in the Red River settlement? We all know that there was no law existing in that country except the law of the Hudson Bay Company, which was not a recognized one, not having been enacted by the people's representatives assembled in legislature, and therefore there was no law under which schools were established—they existed by practice. The word does not occur anywhere else. The word "practice," I think, was brought out in a discussion with regard to the New Brunswick schools. It commenced back in 1869, and I find that word used



in a speech of the late Mr. Justice Grey who came from the province of New Brunswick. We know that denominational schools had been in existence in New Brunswick, in some parts of it by practice, but not recognized by law, and consequently the Parliament of this country, though they would have liked to carry out the views of the people, were unable to do so or to give any relief at the time. This word "practice" was introduced there. It was evidently considered the most suitable word under the circumstances. In the British North America Act there is an appeal to the Privy Council from any act affecting the rights of the Protestant and Catholic minorities. Even that was changed in the Manitoba Act. Parliament made it more specific. The appeal shall lie to the Governor General in Council from any act or decision of the legislature of the province. These words do not occur in the British North America Act. No other province that came in had those four words introduced in their Constitutional Act. They are peculiar to Manitoba alone, proving most conclusively that there was a jealous resolve on the part of the framers of the Act at the time that there should be a direct appeal to the Governor General in Council from any hostile decisions—that they were not to be forced into the courts—that the remedy was to be short and quick. Those words are very unusual. How did they occur? I think I know something of the history of them, inasmuch as the original words were introduced in an Act that I drafted in the year 1862 or 1863. I hold in my hand the original Act of 1863 with the print of Messrs. Desbarats and Cameron who were then the Queen's printers. The conferences I had in drawing up the Separate Schools Act in old Canada in 1861, 1862 and 1863, were chiefly with Dr. Ryerson. There was not on any occasion any clerical interference. It has been recently stated that when Parliament sat at Quebec, the Archbishop of Quebec interfered. I deny that. The conferences were held with Dr. Ryerson in the library, and it is due to his memory to say that I found him always ready to meet the wishes of the minority—that he exhibited no prejudice or bigotry, that had larger concessions been sought for, Dr. Ryerson would not have thrown any obstacle in the way. There was only one occasion when a clerical gentleman was present—the Rev. Mr. MacDonald, of Kingston, vicar general—and he

was the only clerical gentleman who was present on any occasion at the framing of the clauses. I had circulars sent out to the trustees all over Ontario asking for suggestions and advice with a view to making the law more workable. Dr. Ryerson offered no impediment, but there was a strong feeling prevailing with Catholics that he was hostile to the Act. People believed that he was always decidedly against separate schools. I am not aware that, after this Act was passed, there was a single appeal under it. We had not in those days a Minister of Education, but we had Dr. Ryerson, the chief superintendent of education, and I drew up this clause:

In the event of any disagreement between trustees of Roman Catholic separate schools and local superintendents of common schools, or other municipal authorities, the case in dispute shall be referred to the equitable arbitrament of the chief superintendent of education in Upper Canada, subject, nevertheless, to the appeal to the Governor in Council, whose award shall be final in all cases.

There is where the idea is taken for an appeal as provided in the British North America Act. It was only to be found in this particular Act and it was simply based on that idea that the chief superintendent was not friendly to the separate school system, which was a mistake, because he was sincerely anxious to do what was really fair to make the law workable. That is where the appeal comes in. It does not exist anywhere else. I intended the appeal to be prompt and direct. It was thought the Governor in Council would be the fairest tribunal and they would dispose of it at once. This Manitoba case went to our own Supreme Court. The late Chief Justice Ritchie and Mr. Justice Patterson gave written judgments upon it. That court was unanimous in regard to the correct interpretation of the act. Neither of those gentlemen can be accused of having Catholic proclivities, or being desirous to strain the law with a view to help the minority. Their judgment was clear, terse and positive and given without any hesitation. They knew the condition of things existing there, knew what denominational schools meant, because they were conversant with the history of this country. Unfortunately that court was not a final one; otherwise this agitation that has arisen over this new Act in the North-west, that has now become law, and the agitation in Ontario, would not have occurred. It is all

due to the unfortunate decision of the Manitoba case by the Privy Council. Between 1863 and 1890 hon. gentlemen know very well that there was no agitation in this country in reference to the school question—none whatever. We all got on amicably together.

Hon. Mr POWER—There was the New Brunswick question?

Hon. Mr. SCOTT—I am speaking of the old provinces of Canada. In New Brunswick there was an agitation and there was also one in Prince Edward Island. In the latter province the minority claimed, when they came into confederation, that denominational schools were in existence there. So they were, but not by force of law. I had to consider the question in conjunction with the then Minister of Justice. I was in the government at the time. They sent up their delegates here, and I pointed out to them that they came in under the British North America Act, which makes no provision for the rights of a minority except they existed under the law of the legislature before the union. I said to them: "You are not in the position of Manitoba, because there the schools in existence by practice are permitted, but in Prince Edward Island and British Columbia that is not the case. Those special provisions are only to be found in the Manitoba charter," and so we had to tell the delegates from Prince Edward Island that their case could not be considered. They thought it a very great grievance, because a bill which oppressed them very much had been introduced and passed there. We told them they would have to bear it and hope for a better condition of things. I believe since then a better condition of things has arisen—that the law passed in 1874 or 1875 was found to be too stringent and affected the minority there too seriously, and I think the legislature modified it, but the Federal authorities could give them no relief for the very reason that there was no provision for it in the British North America Act. Had it been known that such conditions existed in Prince Edward Island, no doubt it would have been arranged before the islands came into confederation. Had the educational clause in the Prince Edward Island charter been similar to the Manitoba charter, the rights of the minority would have been protected. The Manitoba case went to the

Privy Council, which I think was exceedingly unfortunate. There is a very strong feeling that the judgment of the Privy Council is manifestly unfair, that the gentlemen who rendered it did not thoroughly comprehend the question—that they either did not take the trouble to look into it carefully, or the subject was so entirely fresh and new to them that they did not comprehend it, and they rendered a judgment contrary to the facts. It is illogical on the face of it, and has caused great hardship to the minority in Manitoba, and it has shocked the sensibilities of the Catholics of this Dominion. I think it is exceedingly unfortunate that there should still be an appeal to the Privy Council. When we were framing the Supreme Court Act it was pointed out that we could not cut off that appeal—that it was an appeal to the Sovereign which had existed from time immemorial, and that all subjects of the Crown had the right. Very well; if it was an appeal to the Sovereign, I would cheerfully support and maintain it. I am satisfied that had our beloved Sovereign read all the papers bearing on the case her conclusion would have been entirely different from that of the Judicial Committee of the Privy Council. In early times, in Saxon days, before the Norman conquest, appeals from the subjects of the Crown lay direct to the Sovereign personally. The Sovereign held the court—it was the final appeal, and was a right that all were supposed to enjoy; but in modern times such an appeal does not exist—the judicial committee is no more than any other court, and therefore it is absurd for us to appeal to the Privy Council. As a matter of fact, the decisions of that court have been most unsatisfactory, not in this matter alone, but generally. The greatest uncertainty prevails. They are gentlemen who cannot be expected to take an interest in our affairs. They know very little of the circumstances of our country, and they have been guided, evidently, more by United States precedents than by colonial precedents. They have gone on the principle that the sovereign power lay with the provinces and not with the Dominion. We know how the United States Government was formed—that the states came together and formed a federal government, to which they gave up only a part of their sovereignty. Whatever they gave up to the central government became com-

mon to all. But in Canada it was just the reverse. We, under a written constitution, delegated to the several provinces certain specific powers. The residuum, whatever it may be, remains with the central power. If you take the decisions of the Privy Council during the last ten or fifteen years, you will find that in all cases it has been sustaining provincial rights—that has been the current of their decisions—evidently guided by United States precedents and authorities, not certainly interpreting the Canadian constitution truly, because under our constitution the provinces possess only what is given to them. Our constitution is definite and clear. When this matter was before the Privy Council, they admitted all the facts just as I have given them to you. They tersely narrate the condition of things in Manitoba. I have now the judgment of the Privy Council before me. They refer to the views of the several judges of our court, They state :

Ritchie, C. J., held that as Catholics could not conscientiously continue to avail themselves of the public schools as carried on under the system established by the Public Schools Act, 1890, the effect of that act was to deprive them of any further beneficial use of the system of voluntary Catholic schools which had been established before the union, and had thereafter been carried on under the state system introduced in 1871.

Patterson, J., pointed out that the words "injuriously affect" in section 22, subsection 1, of the Manitoba Constitutional Act, would include any degree of interference with the rights or privileges in question, although falling short of the extinction of such rights or privileges. He held that the impediment cast in the way of obtaining contributions to voluntary Catholic denominational schools by reason of the fact that all Catholics would, under the act, be compulsorily assessed to another system of education, amounted to an injurious affecting of their rights and privileges within the meaning of the sub-section.

Then they go on and quote the language of other judges all in the same direction. They narrate the circumstance of the existence of schools before confederation, they describe what those schools were, that wherever the Protestants had the majority they controlled their schools, and wherever the Catholics were in their majority they ruled theirs. They quote Archbishop Tache's statement which was uncontradicted, and admit all the facts just as they were given. Then they allude to the passing of the Act of 1871. That Act, which was passed immediately after Manitoba came in, was in the terms of the British

North America Act, and made special provision for denominational schools. Now, is it not at all events a point that is worth noting, that immediately after this Manitoba Act was passed the Legislature, at its first meeting, established the denominational system of schools as laid down in the Act? Would not one fairly infer that they understood the question thoroughly there, and that they drew up this Act in harmony with the British North America Act, because the whole subject was fresh. It had been discussed in Parliament and in the press and the Local Legislature followed just in the lines of the Act. I need only call attention to the fact, it has been referred to so often; but the Privy Council advert to that, and they say they do not think they could very well take judicial notice of that, although it is a very strong point. They quite admit that it ought to have its influence, but still they do not consider themselves bound to take note of the fact that immediately after confederation, and at the very beginning of the first session, an Act was passed recognizing denominational schools and making allotments to the different classes as provided for in the British North America Act. They quote it, however, but say that they do not think it binds them: and they quote also the Act of 1881, which is all in the same direction, carrying out the Act of 1875, making further and better provision. Their lordships say :

From the year 1876 until 1890, enactments were in force declaring that in no case should a Protestant ratepayer be obliged to pay for a Roman Catholic school, or a Roman Catholic ratepayer for a Protestant school.

Their lordships explained the school system as it existed before Manitoba came into the union :

The practice which prevailed in Manitoba before the union is also a matter on which all parties are agreed.

The statement on the subject by Archbishop Tache, the Roman Catholic archbishop of St. Boniface, who has given evidence in Barrett's case, has been accepted as accurate and complete.

There existed, he says, in the territory now constituting the province of Manitoba a number of effective schools for children.

These schools were denominational schools, some of them being regulated and controlled by the Roman Catholic Church and others by various Protestant denominations.

The means necessary for the support of the Roman Catholic schools were supplied to some extent by school fees paid by some of the parents of the children who attended the schools, and the rest was paid out of the funds of the church, contributed by its members.

During the period referred to, Roman Catholics had no interest in or control over the schools of the Protestant denominations, and the members of the Protestant denominations had no interest in or control over the schools of Roman Catholics.

There were no public school in the sense of the state schools.

The members of the Roman Catholic church supported the schools of their own church for the benefit of Roman Catholic children, and were not under obligation to, and did not contribute to, the support of any other schools.

It is manifest from the above extract from the judgment that their lordships recognized that denominational schools were the only schools in existence in Manitoba before the union. In the following extract it is equally clear that they appreciated the object of the framers of the Manitoba Act in introducing the words "by practice," in addition to the words in the British North America Act. Their lordships say:

Subsections 1, 2 and 3 of section 22 of the Manitoba Act, 1870, differ but slightly from the corresponding subsections of section 93 of the British North America Act, 1867.

The only important difference is that, in the Manitoba Act, in subsection 1, the words "by law" are followed by the words "or practice," which do not occur in the corresponding passage in the British North America Act, 1867.

These words were no doubt introduced to meet the special case of the country which had not as yet enjoyed the security of laws properly so called.

It is not perhaps very easy to define precisely the meaning of such an expression as "having a right or privilege by practice." But the object of the enactment is tolerably clear.

Evidently the word "practice" is not to be construed as equivalent to "custom having the force of law."

Their lordships are convinced that it must have been the intention of the legislature to preserve every legal right or privilege, and every benefit or advantage in the nature of a right or privilege, with respect to denominational schools, which any class of persons practically enjoyed at the time of the union.

It is equally clear that their lordships appreciated the intention of Parliament to preserve the legal rights and privileges of the minority, yet by their judgment those legal rights and privileges have been lost by the court sustaining the Act of 1890, or as their lordships express the change:

In 1890 the policy of the past nineteen years was reversed, the denominational system of public education was entirely swept away.

Their lordships recognize that the effect of the Act of 1890 is to tax the minority for the public schools in addition to supporting their own, and their lordships regret that, "owing to religious convictions which

every body must respect and to the teaching of their church that Roman Catholics find themselves unable to partake of advantages which the law offers to all alike."

Their lordships say: "That Roman Catholics are free to establish their own schools throughout the province." No doubt they are, but at the same time they must pay the public school tax, and their schools will not receive any share of the public funds allotted for school purposes. The logic used and the conclusions reached will equally apply to Quebec and Ontario. According to their lordships' opinions, separate schools in Ontario and Quebec might be swept away, and the minority in each province would not be prejudicially affected, because they would still be "free to establish their own schools."

It is quite clear their lordships did not understand the situation and the subject, as we have it existing in the older provinces. The most charitable thing to say of them is that they did not understand it. It is all that one can say, but it is a pretty hard matter for the people who do understand this question, and who know that a grievous wrong has been perpetrated, to have it pointed out to them that they must be satisfied with the decision. I say it in all sincerity, and without any desire to reflect on anybody—I think it is to be exceedingly regretted that the simple course pointed out under the act of Manitoba was not taken and the bill vetoed at once. This question of provincial rights is not one that is germane to the school question at all. There is no other question of provincial rights that is relegated to the Governor in Council—none whatever. You will search the British North America Act, or any constitutional act, in vain to find that there is an appeal to the Governor in Council from the passage of any other law than this particular one. It was, no doubt, framed for the very purpose of meeting cases of this kind, and I do feel that if it had been promptly met before any agitation or excitement arose in the community, not a word would have been said about it. The parties who passed the law, I am quite satisfied, felt sure that it was *ultra vires*. It was done, evidently, by a trick, as pointed out by the hon. member from St. Boniface, not done after an agitation by the press or by the people: it was done by political tricksters (no one else would have sown all this discord) just to meet their own political pur-

poses. I care not whether they were Grit or Tory; it makes no difference. The hon. gentleman said they were Liberals. Well, if they were Liberals, they were not worthy of the name. No man can be considered liberal if he is intolerant. No man who does not respect the rights of his neighbour should call himself liberal. If he acts as though his religious views were alone to be respected and those of all other people slighted, he is not liberal; and there is not a Protestant statesman to-day who does not approve of religious instruction in schools. Everyone who reads up this question will find that that is the trend of public opinion; educate our children in Christian schools. No matter what particular church they belong to, they teach respect for authority and charity towards one another. You find that those who are religious in their own way, in the religion in which they believe, are the best people. If we desire to leave a legacy to posterity, would not the best legacy be one which would establish a Christian population throughout the land? I think it is a very great misfortune that the men who brought about this confederation, that the men who brought about the first union between Upper and Lower Canada, are not alive to-day. If they were we would not have this dissension in the country. Are there no statesmen among us? None strong enough to stay the angry tide that is rising up, becoming intolerable to a degree that makes life unbearable? I often feel that if that distinguished statesman whose ashes now repose near Kingston, had been alive and in his health, all this agitation would have been stayed. He at least had power and influence on those behind him to prevent their marching on and encroaching on the rights and liberties of their fellow citizens.

Hon. Mr. BOWELL—They have not done it yet. The other party have done all this.

Hon. Mr. SCOTT—One would suppose from the way that some gentlemen talk that this was a fad of the Catholics in Manitoba—that it was something unwarranted, but if they will look to the record of the mother land they will find that there they consider religion in the schools a most important matter. Unfortunately, we borrow too many of our views from the United States. This

question of disassociating religion from the schools arose there, and its consequences are already evident in that land of liberty, that land where divorces are so numerous, where a man could stop over at a station and get a divorce, where domestic ties are broken up and socialism of the worst description is rampant, and all due to the fact that they are departing from the principles of religious education. Go to any city in the United States, go to Boston, which has been the centre of refinement and religious thought, or was supposed at one time to be such, and take any of the churches there, and take the corresponding church in Montreal or Quebec, be it Methodist, Baptist, Catholic, or any other, and you will find that a very small proportion of the population in the cities of the United States attend the churches. That is just the effect of the system adopted in that country. In a matter of this kind one would suppose that we would draw our inspiration from the Motherland, where the best examples are given us. What do we find there? That all denominations who desire to establish schools are liberally provided for; they have separate schools in England, Wales and Scotland, where the Catholic element is very much in the minority, where it has not the supposed influence it ought to have here. They there get six times as much allotted to their schools as we do in Canada. I hold here the returns of the government grants to the various schools in England; where they recognize perfect toleration. They recognize that some non-conformists prefer the secular system of education, and that various religious denominations prefer having schools under their own control, and so all are provided for: there is no hard and fast rule forcing all the children into one school; they recognize that the several religious bodies have divergent views on the subject of education, and that they are brought up under different conditions, and you cannot fuse them all, you cannot send them all into the one school; you have got to recognize certain principles, and British statesmen do recognize them. Now take the Wesleyan schools; for 1892 the annual grant was £115,000; these are the returns for England and Wales I am reading from. In England and Wales there were nine hundred and fifty-six Catholic schools. They received £171,975—over \$4 a head. In Ontario, my hon friend said we boast a great deal of liberality. Well, I had to



smile ; we are supposed to have a great deal of liberality ; we are supposed to enjoy great liberty so far as schools are concerned. Taking the Catholic population of Ontario, we get the munificent sum of  $5\frac{1}{2}$  cents per head per annum. For the children that attend the schools, somewhere about 75 cents per head, considerably less than a dollar. In England it runs up to \$4, and in Wales, where the Catholics are in a minority, it amounts to \$4. In Scotland, in the days of John Knox, there was a good deal of intolerance, but the Scotch people to-day are not the illiberal, intolerant people they were credited with being in early times. They give liberally to all schools ; they recognize that we cannot all think alike on the various ways of worshipping our God ; they recognize that, and take it into account, and so in Scotland the schools of the various churches—the schools in connection with the Church of Scotland, the Episcopal schools and the Roman Catholic schools receive public aid. There are only 173 Catholic Schools in Scotland. It is well known the Catholic population is small there, and yet they give £36,843 ; we have in Ontario 280 separate schools, and yet they only get altogether less than \$20,000—between \$18,000 and \$19,000.

Hon. Mr. BOWELL—Is not the appropriation for the school funds in Ontario distributed equally in proportion to the children of both schools, whether they be Protestant or not ?

Hon. Mr. SCOTT—That is for the public schools. Oh, there is a fair distribution so far as relates to elementary schools.

Hon. Mr. BOWELL—I thought you intended to infer there was a distinction drawn between the Catholic children and the others.

Hon. Mr. SCOTT—No. Taking the Catholic population 380,000 or 400,000, the \$18,000 allotted to the separate schools in Ontario would be about  $5\frac{1}{2}$  cents per head of the Catholic population.

Hon. Mr. BOWELL—Is it not the same proportion for the Protestant population ?

Hon. Mr. SCOTT—The whole grant in Ontario is between \$600,000 and \$700,000. The Catholics get their share of what is allotted to what is known as the elementary or public school, they get no share in the

Collegiate Institute or any of the higher school education. The whole educational grant in Ontario is \$600,000.

Hon. Mr. BOWELL—Neither are they taxed for the higher schools.

Hon. Mr. SCOTT—They have to pay their share of the taxes.

Hon. Mr. BOWELL—No. I was chairman of the board for a great many years in the town in which I lived, and the Catholics were not taxed for the support of the higher schools for which they received no benefit.

Hon. Mr. SCOTT—The hon. gentleman is right with reference to the tax that is collected. The tax collected is the tax that goes to the common school, but then the contribution of the additional amount that goes to make up the six hundred thousand comes out of the public revenue. The Catholics bear their share. It is an allotment out of the revenue. The people are not taxed directly for that. There is no direct tax. The direct tax for the common school is what is collected in the municipality through the collector for school purposes.

Hon. Mr. McMILLAN—They are now called public schools.

Hon. Mr. SCOTT—Yes, but the hon. gentleman will see that there is a great difference between the allotment for the common and separate schools and the school grant which is over \$600,000. I can turn it up and show how it is allotted ; but the residue goes to schools that Catholics cannot avail themselves of ; it goes to the higher education. They contribute to keep up the higher education, but they are not directly taxed more than the protestants ; neither are taxed for higher education ; that comes out of the general revenue of the country. The only school tax we have in Ontario is the school tax imposed by the municipality ; there is no provincial tax.

Hon. Mr. BOWELL—The point is this : the Catholic children have the same right to attend the high schools as the Protestant children.

Hon. Mr. SCOTT—No doubt about that.

Hon. Mr. BOWELL—Ergo they receive the same benefit in proportion to the number who attend it as the Catholics. If they do not go it is their own fault.

Hon. Mr. SCOTT—Yes, it is open to them, the same as any other public institution, but what I do say is that they do not practically get the benefit of it, because they do not as a rule go to higher schools in proportion to their numbers. Now, when I was interrupted I was just reading the allotments. I had before me the last official returns and you will find that what I have stated is substantially correct. Wherever the separate schools are established the Catholic rate is struck by the Catholic school trustees, just as the public rate is struck by the public school trustees. The same collector collects for both.

Hon. Mr. MACDONALD (B. C.)—Are there not church schools?

Hon. Mr. SCOTT: They have the same rights as the Catholics have to establish if they please. The method is this: the trustees of the public school strike a rate. It is necessary to support the schools in conjunction with the government grant, and the grant is based on the per capita attendance. The separate school trustees strike their rate and they are both handed in to the municipality and the tax is put on the collector's roll and in the end is paid either to the common school fund or the separate school fund: so that they tax themselves just as they please. The separate school trustees may put on so many mills on the dollar; they may be higher or lower than the public school or vice versa. Now one point I desire to make is that there is really not enough in it to create all this agitation which is going on Ontario, the attack that is to-day made upon the separate school system. The whole amount paid in 1892 was \$18,248. Now there are many counties in Ontario where not a dollar is paid to separate schools. I suppose they do not exist in those counties. In many localities the Catholics and Protestants, being both small in numbers, make an arrangement among themselves and they agree to bear and forbear. The very fact that either can establish a separate school induces a feeling of toleration; and that is a safety valve: so, feeling that they cannot individually support a school, they make

their own arrangements, and instead of disuniting they combine to carry on a school and they settle the question of teaching religion in a friendly neighbourly way.

Hon. Mr. BOWELL—I might inform the hon. gentleman that that is also done in the county in which I live in the two of the largest townships where the Catholics predominate largely, particularly in Tyendinaga where they have 900 votes.

Hon. Mr. SCOTT—In the county of Hastings, the whole sum paid for separate schools is \$14. Where both parties know they are protected by the law they make up their minds, in carrying out their school systems, to agree if possible, each is tolerant of the other and they get on in a friendly, neighbourly way; but if the law was different you would find there would be dissension and disunion among them. The very fact of their weakness and the inability of each one to establish a school leads to a union, and so they get on in a friendly and amicable manner. I dare say where the agitation most largely prevails for the abolition of separate schools is in places where they have no separate schools; that is where the feeling is strongest. It is a myth to them. It is a purely sentimental question. For instance there is no separate school in Brant, Dufferin, Elgin, Haldimand, Haliburton, Halton, Lincoln, Oxford, Prince Edward or Victoria, yet there is considerable agitation for their abolition in some of those counties. For the small sum that is given to the school system in Ontario, is it worth while that there should be this excitement and agitation and attempt to take away the small remnant that is left to the minority? One would think, certainly, that as we made that arrangement when we went into partnership with the sister provinces the influence there would have some weight upon the people of Ontario—that they would say that the generous liberal treatment accorded by a province that is not as rich as Ontario should have some weight and influence with the other provinces of the Dominion. As explained by the hon. member for St. Boniface, when confederation was taking place in 1866 there was a feeling in Quebec that the rights of the minority had not been protected, but they took Sir George Cartier's word that they would be after the union. Sir Alexander Galt went out of the Government because it

could not be done at the time. The circumstances were such that in the short time allowed they could not run a bill through Parliament and Sir George Cartier pledged his word of honour that if they would trust the majority, after they became a province an Act would be passed for their protection. The province of Quebec was not bound except by the word of an honourable man, to enact any such law. How did the majority in Quebec carry out that pledge? There are nine hundred Protestant schools in Quebec that get an equal amount per capita with the Catholic schools there. In addition to that what did Quebec do? Quebec granted large sums of money for higher education. In Ontario at the time of confederation, the higher educational establishments of that province were receiving aid and assistance. For instance, Regiopolis college at Kingston was in receipt of \$3,000; Queen's college, Kingston, a Presbyterian institution under Principal Grant, was getting \$5,000 a year; Bytown college, \$1,400; St. Michael's, \$2,000; Trinity college, in connection with the Church of England, Toronto, \$4,000; Victoria college, Colbourn, an institution under the control of the Methodist body, \$5,000; L'Assomption, at Sandwich, a small institution, \$1,000. Now, that was continued after confederation, but the intolerant spirit of Ontario was against those grants and they had to be swept away. Did they follow suit in Lower Canada? No: they did not. What did they do there for superior education? The legislation in the province of Quebec relating to the rights of the minority in that province is fully set forth in the following official letter from the Superintendent of Education to the Premier:

QUEBEC, 26th January, 1890.

To the Honourable the Premier  
of the Province of Quebec.

SIR, -By your letter of the 28th December last you submit four very important questions to which I have the honor to reply as follows:

1st. What was the law on the first of July, 1867, in connection with the Protestant minority in this province?

At that time there was no law concerning the Protestant minority in this province.

Chapter 15 of the Consolidated statutes of Lower Canada was the only law in force. It provided that the religious minority in the municipality might separate themselves from the majority and control their own schools. The grants made by the Government were disturbed among the com-

mon schools in proportion to the number of the population. The grant for superior education was distributed upon the recommendation of the Superintendent with the approval of the Lieutenant Governor in Council, the Protestant institutions receiving a share of the grant along with the other institutions. The grants to dissentients who formed the religious minority in each municipality were distributed in proportion to the number of children attending the schools of the dissentients as compared with the entire number of children attending school at the same time in the municipality.

2nd. What amendments have been made since the first of July, 1867, in the same connection?

The Statutes of Vict. Chap. 15, of 1868, 33 Vict., Chap. 3, of 1871, and 33 Vict., Chap. 15, of 1875, contain the principal amendments that have been made since the first of July, 1867, to Chap. 15 of the Consolidated Statutes of Lower Canada in respect to the Protestant minority.

3rd. What is the practical difference between the privileges enjoyed by the Protestant minority on the first day of July, 1867, and to-day?

On the first July, 1867, the laws concerning education were general, and there were no privileges properly speaking, either for the majority or for the minority, but since the 1st of July, 1867, the Protestant minority enjoy the following privileges:

First. The Council of Public Instruction is divided into two committees, the one composed of Roman Catholics, and the other of Protestants appointed by the Lieutenant Governor in Council, the latter have the right to associate with themselves five persons of their own faith who form part of the Protestant committee.

Second. A Protestant Secretary, having the privileges and salary of deputy head (the Rev. R. I. Rexford) has been appointed in the Department of Public Instruction representing the Protestants.

Third. The Protestant Committee of the Council has control of the schools of their own faith.

Fourth. The Protestant School Inspectors, appointed upon the recommendation of the Protestant committee, visit and inspect the Protestant schools.

Fifth. Separate boards of examiners for candidates for teachers' diplomas are appointed on the recommendation of the Protestant committee of the council.

Sixth. The text books in use in all the Protestant schools are authorized by the Protestant committee.

Seventh. Apart from their share of the Superior Education Fund which is appropriated according to the population, the Protestants have the privilege of distributing the funds arising from the celebration of marriages by Protestant Ministers.

Eighth. An absolute division of the school taxes in the cities of Quebec and Montreal is provided for by 32 Vict., Chap. 16 of 1868, and the school taxes imposed on the Protestant property belongs to the Protestants, and they receive a proportional share of the taxes on property belonging to corporations or incorporated companies, or to persons not belonging to the Roman Catholic or Protestant faith, or whose religious faith is unknown, or belonging partly, or jointly to persons belonging, some to the Roman

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Catholic, and others to the Protestant religion, or to persons who declare in writing their desire of having their property inscribed on the list known as "neutral" or to firms and commercial partnerships who shall not have declared through their agent, or one of their numbers their desire of being placed on the first or second list. These provisions also apply to the Protestants in the towns of Sherbrooke and Richmond.

Ninth. The school commissioners representing the majority in all rural municipalities collect the school taxes from corporations and incorporated companies, and pay over to the minority their proportion of the taxes for the support of the dissentient schools.

Tenth. All dissentients may cease, if they so desire, from paying their taxes to dissentient schools.

Eleventh. All non-resident proprietors in a municipality may divide their taxes between the commissioners and the trustees of the municipality.

Twelfth. The dissentients of one municipality may unite to a neighbouring school municipality of their own religious faith.

Thirteenth. If there is no dissentient school in the municipality, any head of a family residing in the municipality and professing the religious faith of the minority, and having children of school age, may send his children to a school of his own faith in a neighboring municipality and pay his taxes in support of a school, provided that the school is not more than three miles distant from where he resides.

Fourteenth. The Protestants receive a proportional share according to population from the revenue of the Jesuits' estates, and according to 51-52 Vict. Chap. 13, an additional sum of \$60,000 has been granted to them as an indemnity.

4th. In every case where is an amendment, please tell me what was the law at the time of the amendment, and what was the practical difference made by the amendment, always in connection with the Protestant minority?

The answer to this question will be found in those that precede it.

In conclusion I may say that the Protestant minority has always enjoyed all the protection that could be desired, and that since confederation the school laws have conferred upon the minority well defined privileges which have increased according to the needs of the minority.

The whole is respectfully submitted.

I have the honour to be, sir,  
Your obedient servant,

(Signed) GEDEON OUMET,  
*Superintendent.*

The Government granted aid to McGill college, which we know to be a Protestant institution, and the grant has been continued, and the grants have been increased instead of diminished since confederation. They grant McGill University \$5,950; University of Bishop's college, in which theology is one of the subjects taught, \$2,550; also a grant of \$1,750 to another religious

institution, I think in connection with the Church of Scotland, Morrin College; St. Francis College, \$1,000; the Normal School, established to educate Protestant teachers, gets no less than \$13,806. The appropriation for higher education in Quebec alone for those institutions I have named is far in excess of the whole amount allotted for Catholic education in the province of Ontario, though the Protestant population in Quebec is less than the Catholic population in Ontario; but more than that, there are through Lower Canada in the various towns what are known as high schools and special schools for Protestants, at Montreal and Quebec, and Compton and Stanstead, and so on. The total amount paid to the high schools was \$3,470. There are more modern institutions called academies: they are to be found at various places throughout the province. The sum of \$4,325 is voted by the province of Quebec for these academies under Protestant management. Total amount paid for higher education for Protestants in Quebec, \$32,611. That is all in addition to the amounts voted to the ordinary schools of the country, the 900 odd Protestant schools to which I have referred. One would suppose that those facts would have their influence in the province of Ontario: it should have its influence all over this Dominion, the fact that our French Canadian allies are so liberal in their treatment of the minority. They approach it from the statesman's point of view; they recognize the importance of religion's being taught in the schools. Now, can you point to any place in the world where the spirit of toleration is as strong and inherent as in the province of Quebec, where the two classes get on in such a friendly way together? There is no part of the Dominion where the same kindly feeling exists, or where the Protestants and Catholics are more religious in their own way. If you go to Montreal and look in the Protestant churches there, you will find a larger proportion of people than in any similar church in any city in the United States and therefore is that religion there permeates every walk of life. Children are educated and brought up in it. What is the effect of it? To make them intolerant and hate each other? No, the reverse, to make them love and respect each other, to make them recognize that each section has its good qualities and each is doing a work in the com-

munity, and to bring them to be more tolerant and charitable towards each other. You cannot point out to me any part of the world where the same kindly feeling exists between the two bodies to such an extent as it does in the province of Quebec. Surely that is an object lesson that we cannot ignore. These are facts which appeal to the comprehension of every man. You cannot cast them aside. They are illustrations pointed out year by year. Ask the Protestants of Quebec how they feel about it? Let me just read the opinions of some Protestants. I shall read from an official report—the sessional papers of the province of Quebec, a statement by S. P. Robins, LL.D. Principal of the McGill Normal School. He says, and I think these words should go throughout the length and breadth of the land:

I should do less than justice to leading politicians of all shades in this province if I were not to state my admiration of the attitude which they maintain towards education. During an association of more than thirty years with the public education of Quebec, an association which has repeatedly brought me a suitor on behalf of education into contact with men of influence of all political parties, I have found a universal desire for the spread of popular education, a willingness to listen patiently to the view of practical educators, a wide love of fair play for the educational rights of the minority, and a determination to hold the precious interest of education aloof from the turbulent arena of political party strife.

A large portion of that relates to the time when Protestants had no law to protect them and they had to rely simply upon the kindly feeling of their Catholic neighbours, who recognized that they were entitled to all they received. They did not require a law to protect them, but when the question was raised at the time of confederation, Sir George Cartier pledged himself to see that such a law was passed, making it hard and fast. He knew the character of those whom he represented, and the moment Quebec became a province of the Dominion, a law was passed by the local legislature giving to the minority everything that they could possibly desire. I will now read from another sessional paper a resolution moved by the head of the Church of England in that province, and seconded by Sir William Dawson. It is as follows:

On the motion of the Lord Bishop of Quebec, seconded by Sir William Dawson, it was resolved:

That the Hon. Gédéon Ouimet, having on Monday last completed the 10th year of his administra-

tion of the Department of Public Instruction in the province of Quebec, the Protestant Committee of the Council of Public Instruction desire to place on record their high sense of equity and ability with which his duties have been discharged and to congratulate him upon the advance which, under his energetic superintendence, education has made, and is making, in the province.

Can there be a higher tribute paid to any man than this which I have just quoted? Does it not speak in eloquent language of the kindly and generous feeling which prevails in the province of Quebec towards the minority? The Hon. Mr. Joly recently visited the province of Ontario, and spoke and addressed meetings at Toronto and Kingston. I should like to read from one of his speeches a tribute that he paid to the majority in his own province. Mr. Joly stands very high in the estimation of all the people in this country as a man of honour, of ability, and of great refinement. He is a Protestant, and speaking recently in Ontario, he said:

As to the educational rights of the minority, he desired to point out that Sir John Rose, in the debate of 1865, on Confederation, had shown that the right of separate education was accorded to the Protestants of Quebec before the Union, when they were in a minority, and entirely in the hands of the French-Canadian majority. The distribution of the State funds for education under that condition of affairs was entirely satisfactory. A like statement was to be found in the report of the Commissioner of 1890 on the education of the minority in Quebec. During all those years there had been the same liberty, the same justice to the minority.

He goes on to quote, that in certain of their institutions one could not gain the advantages, in a medical or legal course, that were possessed by some of the Catholic universities, but when attention was called to it an Act was passed, putting the Protestant universities on the same level as the University of Laval, which has removed every possible complaint which could exist. And now, I should like to draw attention to the opinions in England on this question of whether it is best in all schools that we should give our children some religious instruction. This question has excited a good deal of attention in the mother country, and in 1886 a royal commission was issued and a number of distinguished gentlemen, representing the different churches, were asked to take up the question of education and report upon the subject. On that commission were the Earl of Harrowby, Earl Beauchamp, Frederick Bishop of London, Cardinal Manning, Baron Norton, Sir F. R.

Sandford, Sir John Lubbock, and a large number of the leading men of the day. That commission occupied some two or three years in its inquiry and made a most exhaustive report. They took up this question of education, not only as it affected the three kingdoms, but also as it affected all Europe, the United States and Canada, and I will read a few of their conclusions in regard to this question of religious instruction. I will just read an extract or two from their report. They refer to the fact that in France and other countries where religion has been proscribed in the public schools, these schools are deserted and private schools are established, although they are taxed for the support of the public schools. They say :

As to religious instruction in the public schools, it is not given in France, Holland, and Italy (but in Italy religious instructions may be given, if asked for outside of school hours). In Geneva and Neuchâtel the instruction is secular. In Berne and Zurich religious instruction is given. In Vaud religious teaching is said to be given from a historical point of view. In Ticino, religious instruction is not compulsory, but in all the schools of the canton the priest of the parish teaches the catechism of the Roman Catholic Church in the ordinary school hours.

In Belgium the communes may be given religious teaching at the commencement or at the end of the school hours, but children are exempted, at the request of their parents, from attending such instruction.

In Austria the religious teaching is under the supervision of the church authorities.

In Bavaria religious instruction is part of the curriculum, and is given by the parish priest.

In Holland the school premises may be used, out of school hours, for religious instruction, and in 1885, 620 school premises were used for that purpose.

In Hungary religious instruction is given according to the denomination, the members of the denomination providing it.

In Norway the Evangelic Lutheran religion is taught.

In Prussia religious instruction is compulsory.

In Saxony religion is taught to Protestants by the master, in Catholic schools by the priest.

In Sweden religion is taught, but children of parents who profess a foreign faith may be exempted.

In Wurtemberg, we are told that a third of the whole school time is devoted to religious instruction.

We append to this chapter the replies (sent through the Foreign Office and the Colonial Office) to our circular of inquiries as to the systems of education now in force in the leading countries of Europe, in our principal colonies, and in the United States of America, as regards religious and moral training in elementary schools.

After hearing the arguments for a wholly secular education, we have come to the following conclusions :—

(1.) That it is of the highest importance that all children should receive religious and moral training :

(2.) That the evidence does not warrant the conclusion that such religious and moral training can be amply provided otherwise than through the medium of elementary schools :

(3.) That in schools of a denominational character to which parents are compelled to send their children the parents have a right to require an operative conscience clause, so that care be taken that the children shall not suffer in any way in consequence of their taking advantage of the conscience clause :

(4.) That inasmuch as parents are compelled to send their children to school, it is just and desirable that, as far as possible, they should be enabled to send them to a school suitable to their religious convictions or preferences :

(5.) We are also of opinion that it is of the highest importance that the teachers who are charged with the moral training of the scholars should continue to take part in the religious instruction. We should regard any separation of the teacher from the religious teaching of the school as injurious to the moral and secular training of the scholars.

What could be more positive or more satisfactory than that? The first men of the age, selected from the various churches, meeting together, and knowing the various systems that prevailed over Europe and America, draw those just and fair conclusions. I have quoted from the final report of the commissioners on elementary education, 1888. I should like to add that in our public schools in Ontario, as they were originally established, religion was intended to be taught. I have in my hands one of the early reports made by Dr. Ryerson, who, as every one familiar with Canadian history knows very well, was the gentleman to whom our common schools system is largely indebted for the fundamental principles on which it is based and which have led to its efficiency to-day. He was sent abroad to examine the systems in England, Germany and the United States, and I should like to read a few extracts from one of his reports on this question of religion in the schools. He was a man of very large observation, and one whom I always found free from prejudices and possessed of a fair and just mind. He says :

In France, religion formed no part of the elementary education for many years, and in some parts of the United States the example of France has been followed. Time is required fully to develop the consequence of a purely godless system of public instruction. It requires a generation for the seed to germinate,—a second or third for the fruit to ripen.

However, the consequences have been too soon manifest both in France and America.



The French Government has for many years employed its most strenuous exertions to make religious instruction an essential part of elementary education; and experienced men and the most distinguished educational writers in the United States, speak in strong terms of the deplorable consequences resulting from the absence of religious instruction in their schools, and earnestly insist upon its absolute necessity.

The practical indifference which has existed in respect to the Christian character of our own system of popular education is truly lamentable. The omission of Christianity in respect both to schools, and the character and qualifications of teachers, has prevailed to an extent fearful to contemplate. The country is too young yet to witness the full effects of such an omission, — such an abuse of that which should be the primary element of education, without which there can be no Christian education; and without a Christian education there will not long be a Christian country.

On a subject so vitally important, forming, as it does, the very basis of the future character and social state of this country, a subject too, respecting which there exists much error, and a great want of information, I feel it necessary to dwell at some length, and to adduce the testimony of the most competent authorities, who, without distinction of sect or country, or form of government, assert the absolute necessity of making Christianity the basis and the cement of the structure of public education.

The sentiments of English Protestant writers, and of all classes of British Protestants, are too well known to be adduced in this place; and the fact that the principal objection which has been made on the part of the authorities and members of the Roman Catholic Church to certain colleges proposed to be established in Ireland, relates to an alleged deficiency in the provision for Christian instruction, evinces the prevailing sentiment of that section of our fellow subjects.

I have, of course, a good deal of information of that kind, but I do not think it is quite fair to weary the House with it; however, I should like to point out some evidence that Dr. Ryerson's prophecies have been to a considerable extent fulfilled in the Eastern States, where this system of separating God from the schools was first introduced. An article in the *Boston Evening Post* contains the following: In an address delivered by the Rev. Dr. Shaw, he—

urged the recognition of religion in both schools and universities. He regretted the growing tendency to secularism which is now appearing in the present reaction against separate schools and advised the leaders of the movement in Manitoba and Ontario to be careful lest while they ask for bread they find they are getting a stone. He quoted from the transactions of the Presbyterian Synod of New York showing the alarming growth of secularism in that state, as illustrated by the fact that in some cities the Bible is never read in the public schools. In nine cities prayer is never heard and in fifteen religious instruction is positively forbidden, and in 1884 the State Superintendent officially decided that religious exercises cannot be

permitted during school hours. The preacher considered the local option principle now recommended for Manitoba as no safeguard against secularism. He pleaded for greater interest in educational work in the Methodist Church, stating the gratifying signs of progress which exist.

Evidence of the decline of religion among the people who remain is hardly less abundant or less truly official. A late number of the *Hartford (Conn.) Religious Herald* quotes the Rev. Dr. Emory J. Haynes of the Boston Tremont Temple as saying, "We have raised a generation of infidels on the hill-sides of New England. They are the worst heathen that I find in Boston. This cold agnosticism bred in New England is the most indigestible thing that we have to do with. The saddest thing in New England to-day is the old country churches falling in, and the people abandoning all forms of religion." To which the Rev. Dr. A. J. Gordon added: "What Dr. Haynes says is true. . . . I believe more and more in the local church. That is our main dependence, the local church." And the Boston *Watchman* says: "The recognition of both the Boston pastors above named is worthy of especial notice, particularly so as relates to the position which is here maintained as to the central and the necessary importance of the local church." The Immigration Commissioners may populate the "abandoned farms," but they cannot prevent "the old country churches falling in, and the people abandoning all forms of religion"; their scheme is not likely to touch, even indirectly, "the saddest thing in New England to-day."

I have a great deal more material of the same kind which I do not wish to inflict on the House, because any hon. gentleman who desires to pursue that subject knows very well where to find abundance of evidence similar to that just quoted, not merely from Catholic authorities, but from Protestant sources. I may, however, quote a pastoral issued on that subject a few days ago by the Bishops of Quebec. It is as follows:

The parents who have received children from God with the authority to bring them up properly; the pastors whose duty it is to teach and to enforce the divine law; the heads of the state, whose duty it is to support intelligently and efficiently the pastors and parents; the educators of children whose mission is to complete in the schools the work of the parents; all those who love the church and their country must have it to heart to see that the education is sound, and such as to form excellent Christian, honest, virtuous and learned citizens, devoted to their country.

Over the schools, which are founded by private initiative or by the state, it is duty of the church to exercise an attentive oversight, in order to exclude any teaching, which might be contrary to Catholic doctrine. Moreover as religious education should progress by the side of intellectual culture, the ecclesiastical authorities can and should require that no one destined to the teaching of the Christian doctrine shall be chosen and appointed without the ratification of previous approval of those whom Jesus Christ has intrusted with the care of preserving intact the sacred deposit of faith. \*

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\* These sacred rights of the church it is our duty and firm intention to maintain in all their entirety. No doubt, very dear brethren, in a mixed society such as ours, that is composed of widely differing religious elements, it would be difficult to expect that people will recognize in the Roman Church certain prerogatives which it might enjoy in an exclusively Catholic country. The Catholic church, whose origin on this continent, dates from the cradle of American civilization and which has not ceased during more than three centuries, through its apostles and missionaries, to spread the light of Christianity over this country, can legitimately claim without, therefore being saddled with a double school tax, the right of bringing up the children who are intrusted to its care in the faith of their fathers, and of giving to these children an education consistent with the religious principles which they profess. There is in that, we proclaim it, a question of justice, of natural equity, of prudence and of social economy which is intimately connected with the vital interests of this country. The Canadian episcopate has never hesitated, as is well known, to touch on all occasions peace, concord, mutual confidence, a sincere loyalty to the British Crown, and it hopes that, thanks to the wise and firm intervention of our legislators, and thanks also to the fairness and spirit of conciliation of the several elements which make up the population of Canada, the uneasiness which actually exists in certain provinces shall soon be replaced by a feeling of general satisfaction.

These words breathe principles of peace: there is nothing to anger or irritate anybody. It is an appeal on the very highest grounds. I have felt it my duty to make these remarks, because I see that there is to be an attack upon the separate school system in Ontario. At a recent gathering of a very important body, with whose doings the hon. Minister of Trade and Commerce has, no doubt, in the past been very familiar, this declaration on the subject of separate schools was made by the leader of the organization from Ontario:

There can be no doubt that the people of Ontario are awakening to the fact that the separate school laws at present in force form the most direct violation of these principles. As Orangemen we object to separate schools on principle. We believe them to be unjust to the Roman Catholic people themselves, and we know them to be a source of national weakness and disintegration. I am one of those who believe that all constitutional acts may be amended in harmony with the onward march of progress and the widening consciousness of freedom, from age to age; so I do not admit the truth of the position that because separate schools were continued in existence by the British North America Act they are therefore to exist for ever.

Now, this is a very serious declaration, made by a gentleman who professes to speak for a very large body of people in this country. It is very much to be regretted that he should have gone out of his way to lay down

the principle that the separate schools of Ontario are to be attacked, and that he should draw to his aid a society that has recently been established for the avowed purpose of putting down Roman Catholicism. He heads one part of his address with these significant letters, "C.P.A.," and proceeds to say:

It gives me much satisfaction to note the rapid growth of other organizations, notably the Sons of England and the Canadian Protective Association, whose advocacy of the principles of Protestantism is evidently sincere. While one of these associations has been fiercely attacked recently, we should remember that Orangemen too have been grossly misrepresented, and we should therefore not believe the exaggerated statements made by interested enemies about any other society with aims of a charter similar to our own. We should certainly sympathize with, and as far as possible co-operate with, any society whose great purpose is to prevent an organized hierarchy from ruling free America in accordance with the dictates of the Pope.

Now, those two societies are said to be increasing in numerical strength and are attacking our school system, if one is to believe the statements that appear about them in the newspapers. I am exceedingly sorry that the Orange order has seen fit to take up the cudgels. If they will look at the early records of the society, they will find that those feelings did not prevail in days gone by. It was my fortune to sit in Parliament with the first, second and third grand masters of the Orange organization, and, perhaps, the fourth. I knew Ogle R. Gowan, who was the first grand master, and established Orangeism in Canada. I was in Parliament with him, and I may say that I never found in him any of that intolerant spirit that is manifested in the extracts that I have just quoted. On the contrary, I can show that in a division on this separate school question, even Mr. Gowan voted with me. His successor, Mr. Benjamin, always voted with me on those semi-religious questions. Mr. Anderson, who was the Grand Treasurer of the order, and whom I knew very intimately, voted with me. It so happened in the old Parliament of Canada, that it was my lot to take charge of a good many bills of a semi-religious character, and Mr. Benjamin and Mr. Anderson, as a rule, supported me in those measures. I found no intolerance in them; they were respected by the order, and they kept the order in subjection and good temper. The Hon. John Hilyard Cameron, once a grand master, recorded many votes in Parliament in support of

minority rights. I mention this to show that the intolerant spirit which is now manifested did not prevail in those days. Those of us who were in Parliament were good friends, and when those semi-religious questions came up, they did not separate us. Why is it that we have fallen on such bitter times? Why is it that intolerance is left to our day and generation? I suppose it all springs from this unfortunate Manitoba question, which is creating discord and impairing the harmony which should prevail throughout the Dominion. I do not want to take up too much of the time of the House, but those two motions having been moved together, I will dispose of any observations that I have to make on the second one, the school question in the North-west Territories. I had the honour of being a member of the Government at the time the Act relating to the North-west was passed, and I know what was intended. Certainly, it was intended in passing the Act of 1875, that it was to be a charter for all time to come, so far as the school question is concerned. At the time, there were not very many people in the North-west. The largest portion of the population at that time were Catholics, but since then, the Protestant element has largely increased, and outnumbered the Catholics. But the intention in passing that Act was to make permanent for ever the rights of the minority to separate schools. When the draft of the bill was brought in first, the educational clause was not included. Mr. Blake was not then a member of the Government—he had gone out, and I should like to draw attention to Mr. Blake's observations on the omission of the educational clause, from the Act relating to the North-west Territories as it was originally drafted. Mr. Blake said :

He regarded it as essential under the circumstances of the country and in view of the deliberation during the last few days that a general principle should be laid down in the bill with respect to public instruction. He did not believe that we ought to introduce into that territory the heart burnings and difficulties with which certain other portions of this Dominion and other countries had been afflicted. It seemed to him, having regard to the fact that, as far as we could expect at present, the general character of that population would be somewhat analogous to the population of Ontario, that there should be some provision in the constitution by which they should have conferred upon them the same rights and privileges in regard to religious instruction as those passed by the people of the province of Ontario. The prin-

ciple of local self government and the settlement of the question of public instruction seemed to him ought to be the cardinal principles of the measure.

What did Mr. Mackenzie say? He was then Premier and had charge of the bill. He said :

As to the subject of public instruction, it did not in the first place attract his attention, but when he came to the subject of local taxation he was reminded of it. Not having had time to insert a clause on the subject, he proposed to do so when the bill was in committee. The clause provided that the Lieutenant-Governor by and with the consent of his council or assembly as the case might be, should pass all necessary ordinances in respect to education, but it would be specially provided that the majority of the rate-payers might establish such schools and impose such necessary assessment as they might think fit; and that the minority of the rate-payers, whether Protestant or Roman Catholic, might establish separate schools; and such rate-payers would be liable only to such educational assessments as they might impose upon themselves. This, he hoped, would meet the objection offered by the hon. member for South Bruce.

Sir Donald Smith, who represented a constituency in that country, and, of course, knew a great deal about it, alluded to it in his speech. He said :

The point brought up by the hon. member for South Ontario was an important one and he was glad to find that the First Minister intended to introduce a provision in committee, dealing with the subject.

Mr. Mills also spoke on the subject. He said :

There was another matter it seemed to him ought not to be disregarded; and that was the terms and conditions under which these people would ultimately be formed into a province. It would be better that the people who settle in that territory should know beforehand under which they would become an organized part of the Dominion. He saw no objection when the population became sufficiently large to allow that territory to be represented in the Dominion Parliament before it was organized into a province.

Further on, he said :

That country was taken possession of by the French. They established forts at several points in the Red River Territory and the most western fort was at the Forks of the Saskatchewan. They had appointed Captain La Corne to govern the territory under a license from Quebec. The whole country was occupied by the French Government as a part of Canada, and was made by the Order in Council of 1791, part of the present province of Ontario. The late Government had organized the province of Manitoba within those limits.

There was no further debate—no one made any proposition to oppose it. Now, it will

he observed that in that debate not a single French Canadian or Roman Catholic uttered a word. The whole debate was carried on by Protestants, gentlemen who felt that they were only doing what was fair and just, and that the principles they were enunciating were those which would be in the best interests of that country in the future. It was not necessary that there should be any appeal to them to protect the rights of the minority. Their own sense of what was right and honourable, having in view the conditions under which we live in this country, prevailed. The bill went into committee and no opposition was offered to it. It was referred to in the press, but no one took exception to it—as Mr. Mills said, it was well that people should know before going into that country under what conditions they were going there. The Hon. Geo. Brown was then a member of this House. He had always opposed separate schools, but once they were established, Mr. Brown never again interposed—he never sought to break up the system. He was conscientiously opposed to the initiation of the separate school system, and in 1862, when the particular bill to which I have already alluded was passed, he opposed it, but after it became law he was most anxious that it should be worked out in the way best suited for those for whom the law was enacted. In 1875 I had charge of the North-west Territories Bill in this House and the subject was fully discussed here on that occasion. I think it was Mr. Aikins who moved to strike out the 11th clause. Mr. Brown, Mr. Miller and myself also spoke. I have already quoted a part of Mr. Miller's speech; I do not think it is necessary that I should quote any more of it—it was all in the same direction, that Parliament had a right to lay down a fixed principle now, when they were establishing a new government in the North-west Territories. He referred to the fact that we had settled the question as far as Manitoba was concerned, and it was desirable that it should be settled so far as it applied to the North-west Territories. What did Sir Alexander Campbell, who was then leader of the Opposition, say? He said:

It would be much to be regretted if the amendment passed. The subject of the bill was to establish and perpetuate in the North-west Territories the same system as prevailed in Ontario and Quebec, and which had worked so well in the interest of peace and harmony with the different populations of those provinces. He thought the fairer

course, and the better one, for all races and creeds, was to adopt the suggestion of the Government and enable the people to establish separate schools in that territory, and thus prevent the introduction of evils, from which Ontario and Quebec had suffered, but had judiciously rid themselves.

It is clear Sir Alexander Campbell understood that the bill perpetuated the system of separate schools as they existed in Ontario and Quebec. What does Mr. Brown say? He says:

By this bill they might raise the very serious issues in the North-west which had proved so troublesome to Quebec and Ontario. No one would regret this more than he, and for this reason he would support the motion of the hon. member for Peel. The moment this Act was passed, and the North-west became part of the union, they came under the Union Act, and under the provisions with regard to separate schools.

After discussion the House accepted it as a finality. The House of Commons had accepted it unanimously, and this House on a division after discussion. After the defeat of the Mackenzie Government, the question came up again several times and everybody considered it a settled matter, and no one suggested that it should be reopened. The bill was introduced in the House of Commons on the 13th of March and it stood over until the 1st April, so that the country had ample opportunity to give expression to its views, if anybody thought it was important enough to arouse the people and excite an agitation against it, but so far as I can find, the press and the people took little or no notice of it. Attention was called to the Act in this House in 1876. The Hon. Mr. Haviland presented a petition from Prince Edward Island, objecting to separate school in the North-west, but this House simply sat upon it and would not consider the matter. He was called to order, I think, at the time. It came up again in 1886, when Mr. Girard made the speech to which I have just alluded, and congratulated the House on having settled the matter so satisfactorily in the case of Manitoba. It came up again in 1887, and in 1888, after which the question was allowed to rest until Mr. McCarthy brought it to the notice of the House of Commons in 1891, when he moved the motion against the dual language and the separate schools.

I am afraid I shall have to ask the forgiveness of the House for having kept them too long on this subject, but really it is a very important one, and it is just possible that some of the facts to which I have drawn

attention may have the effect in some way of quieting public agitation. I shall be very glad if it has that effect. I have not pointed out in any way how I think a remedy can be provided. I do not think it wise or prudent at this stage to enter upon that discussion. It is unfortunate that when the question first came up the agitation was not nipped in the bud by a veto. I think if it had been, no agitation would have arisen, that it would have been accepted as a right and proper thing to do. I will do the Government the credit to believe that had they supposed the final determination of the Privy Council would have left us in the ditch as it has, they never would have permitted it to go there. But no public man who understood that question thought it was possible for any tribunal on earth to come to the absurd conclusion the Privy Council has—absurdly illogical, absurdly contrary to the facts, absurdly in ignorance of the condition of things existing there. All gentlemen who are at all familiar with the two Canadas know this very well and understand it. There is no mystifying any such gentleman as to what denominational schools or separate schools mean. Unfortunately the Privy Council did not possess that knowledge. It would really amuse hon. gentlemen, if they would take the report and wade through it as I have and read some of the arguments upon it, and the absurd questions that were put to counsel by the members of the Privy Council utterly ignorant of the conditions of the federal system. They do not know on the other side the A B C of the federal system. Since this Home Rule question has come up they are beginning to learn something about it, but when Mr. Gladstone's bill was introduced in 1886, even Mr. Gladstone himself could not comprehend the federal system when he proposed to exclude the Irish members from the British Parliament. That was his idea of granting home rule. Any statesman in Canada could have told him that it was not in conformity with the federal principle to leave Ireland unrepresented in the Imperial Parliament. If Mr. Gladstone had had a Canadian statesman at his elbow, he would not have landed in such a predicament as to have a federal parliament with no representative from one member of the union. Of course they have since learned more about federal and provincial autonomy, but they did not understand it then. I have thought, myself, that there

was one way in which this question might be solved. Hon. gentlemen are quite aware that we have a very large area of lands for the benefit of the schools in Manitoba and the North-west. We have kept control of those lands ourselves. They have not passed under the jurisdiction of the local authorities that I am aware of.

Hon. Mr. BERNIER—You are right.

Hon. Mr. SCOTT—When I was a member of the Government, I always said that I did not think it was prudent that those lands should fall into the hands of the Provincial Governments at this period of the history of the country. In Michigan, we know of the magnificent provision they have made for higher and elementary education. We can do the same for the North-west without injustice to any interests. We can give to the public schools of the North-west all they require, enrich them, and there will still be enough left to satisfy probably, the supporters of separate schools. That may be the solution of the difficulty. I have not consulted anybody in giving expression to this view, but it did occur to my mind that the spirit that prevails, unfortunately amongst the people against the separate schools, may be too strong a tide to stem at present. I quite recognize the position and acknowledge the difficulty existing at present, but I have thought that possibly, that was the way to solve the problem. There is an abundance of land still unallotted in that country sufficient to place education in Manitoba and the North-west on a very high plane, and there are millions of acres that will be worth millions of dollars in, I think, not too distant a future. Those lands can enrich higher and elementary education if properly distributed, held until their value goes up, as the Canada Company held their lands formerly in Canada, until population went in and gave an increased value to them. Lands that away back in the thirties and forties could not be sold for 25 cents an acre, afterwards sold for \$15 and \$20 an acre. History will repeat itself in the North-west. The time is coming when the United States will have to depend upon the North-west for their food supply. I hope we will live to see the time when lands in the North-west will realize good prices, when as we have made liberal allotments for school purposes, statesmen in the future may see their way to protect the

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minority rights in that way from the inter-  
ference of their intolerant neighbours, if a  
better feeling does not ere then arise. I hope  
that this wave of intolerance which is now  
sweeping over Ontario and the west will  
pass away; I have no doubt it will. I have  
seen it before. Anybody who looks back for  
a period of years knows that from time to  
time just such expressions of bigotry have  
arisen in the community, but they were short-  
lived. Yet they did much mischief at the  
time, and in some instances they left bitter  
feelings behind. I am in hopes that a better  
day is dawning in the country and that these  
questions, difficult now to deal with, will at  
a latter date, under the control of other  
men, be solved in a way satisfactory to all  
parties. That is my sincere wish. I hope  
that that may be the result. I desire, as  
we all desire, to see nothing but peace in  
the country; we will have peace whether  
the minority are deprived of their rights or  
not. They can bear the loss with fortitude  
and resignation, but I do not think it will  
be pleasant for the majority in the country  
to feel that "Owing to a decision which  
is unjust, the minority are deprived of  
certain rights and they never more will  
enjoy them, although they were promised  
them by the majority." I do not say that  
the minority will feel aggrieved with the  
majority, but they will feel that they were  
not treated fairly, not treated on an equal  
basis; but the same friendship will prevail  
and we will all join in making this country  
one of the finest in the world. Yet there will

always be the remains of that feeling that in  
an important matter, affecting rights that  
are dear to the hearts of the minority,  
they were deprived of those rights by foul  
play, not by British fair play. They will  
feel that had this question been relegated  
to the Sovereign, as questions of this kind  
a thousand years ago were, it would have  
been decided very differently and I think it  
ought to be the occasion of our once  
and for all cutting off any appeal  
to a court made up of judges who do not  
seem to understand the questions arising  
under our constitution. It is simply a sen-  
timental matter, referring a question to Her  
Majesty, when we know that she takes no  
part in its settlement, and we know there is  
not the same care exercised in the Privy  
Council that there is in our ordinary courts.  
And we know the Judicial Committee can-  
not possibly be as familiar with the correct  
interpretation of questions arising under our  
statute law and more particularly under  
our constitution as the judges of the Supreme  
Court of Canada are; and I think it would  
be prudent in the future to restrict appeals  
to that court and especially that references  
under the Supreme Court Act should be  
limited to that court. The prestige of the  
Judicial Committee of the Privy Council has  
now gone, at least in the opinion of the  
Catholic minority of Canada, and they should  
mark their sense of the wrong thus inflicted  
on them by advocating that the reference of  
similar questions to the Supreme Court here-  
after should be final.